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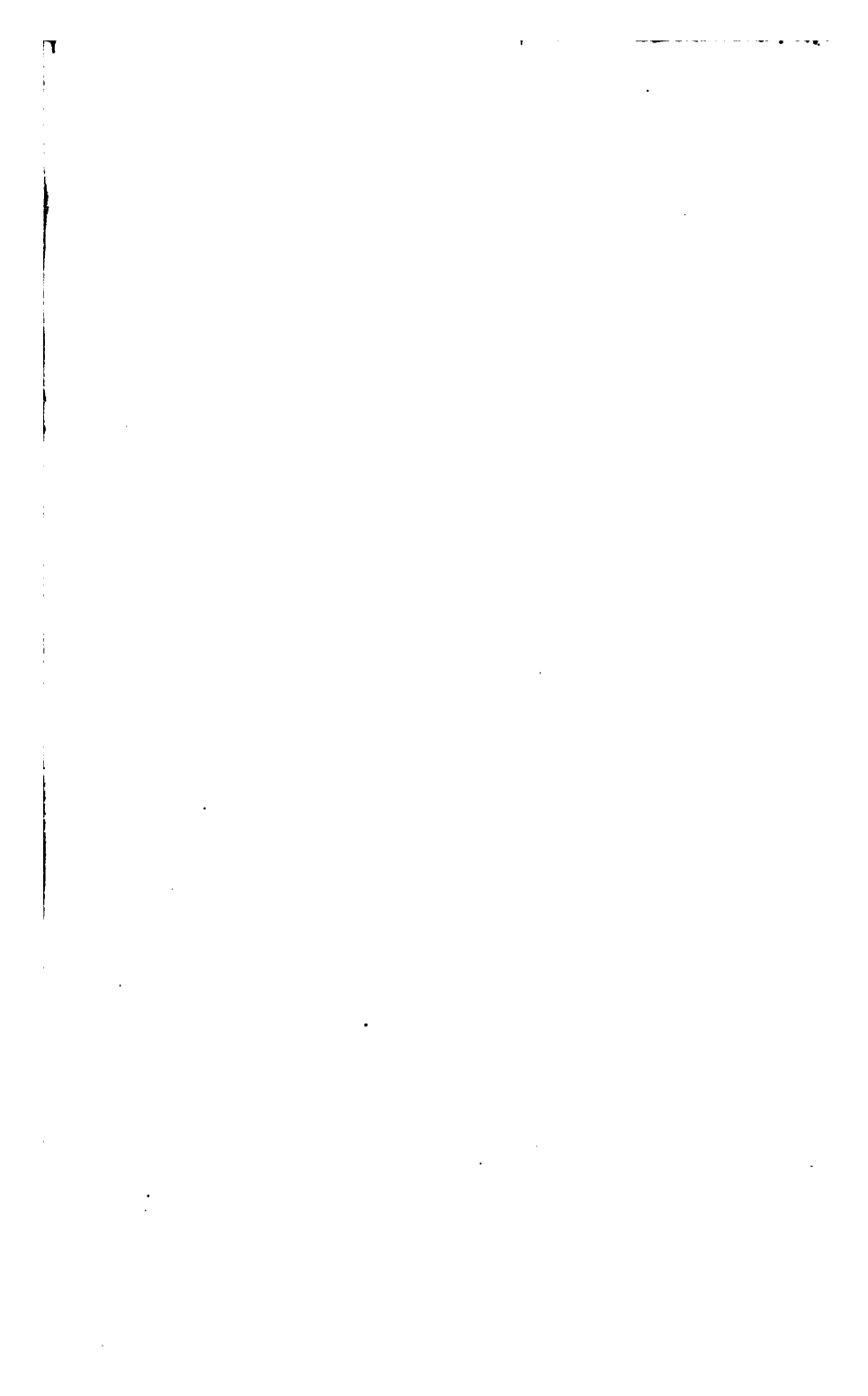
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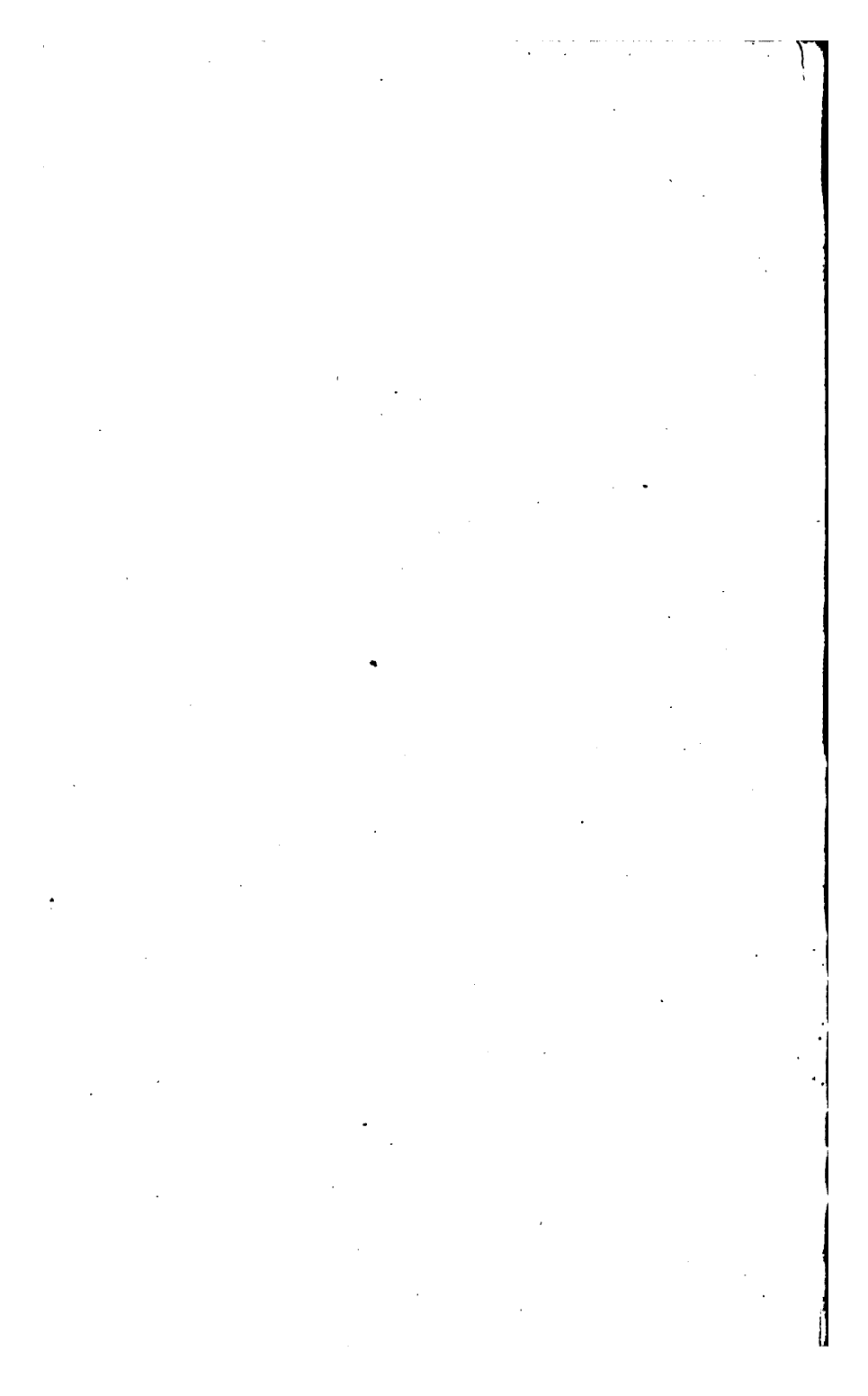






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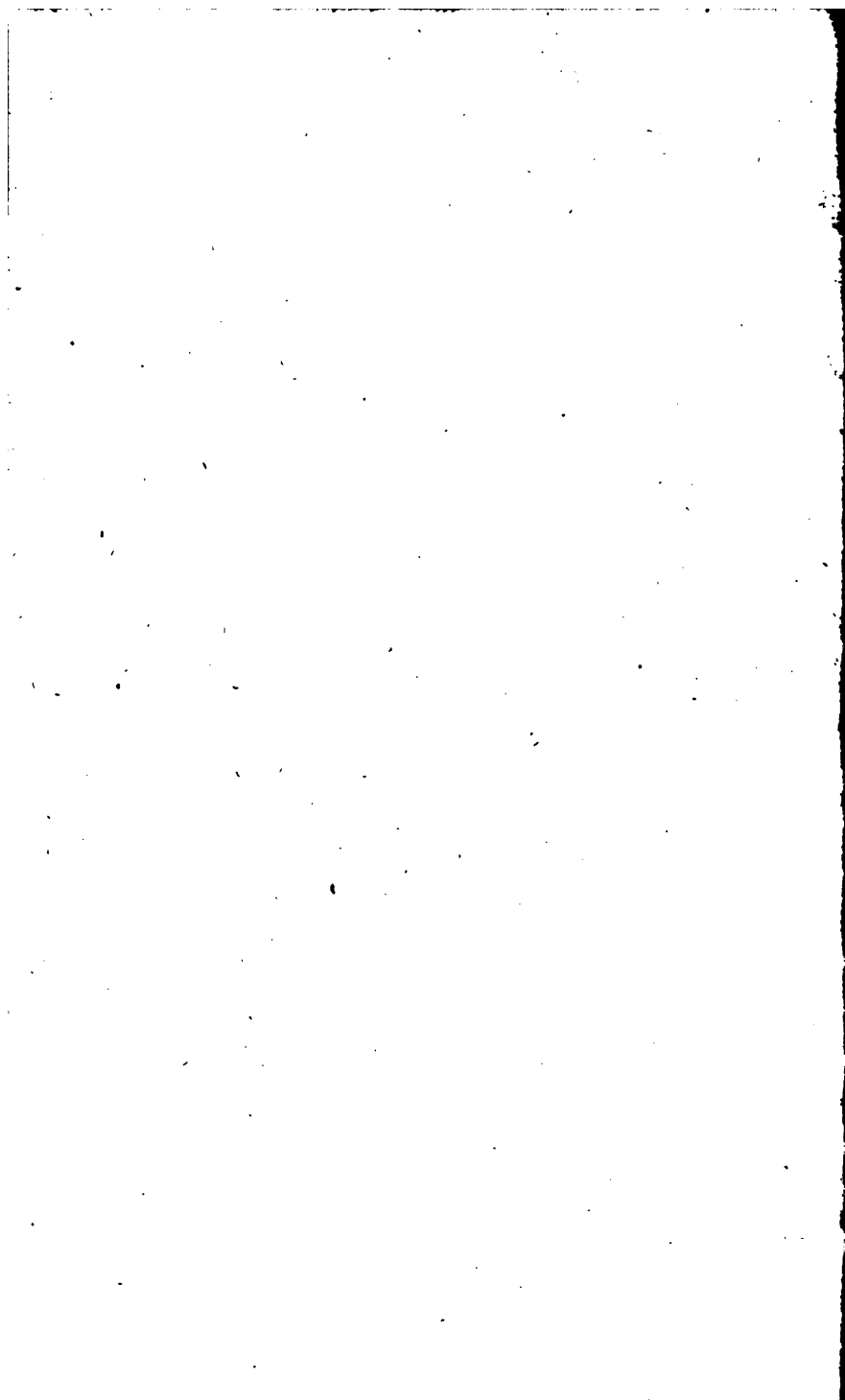


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TREATIES

From 1688 to 1771.

In TWO VOLUMES.





Great Britain. Treaties.
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ALL THE
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OF

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BETWEEN

G R E A T - B R I T A I N

AND

OTHER POWERS,

FROM THE

REVOLUTION in 1688, to the PRESENT TIME.

In TWO VOLUMES.

VOL. I.

From 1688 to 1727.

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ADVERTISEMENT.

A Collection of all the Treaties of Peace, Commerce, and Alliance, between Great Britain and Other Powers, from the Revolution to the present Time, requires no Recommendation. The Utility of such a Work is sufficiently obvious to the Gentleman, and the Politician. To the Statesman it is a Code, or Body of Law ; since a Collection of Treaties is to him of the same use, that a Collection of the Statutes is to a Lawyer. Two things only are necessary in both, viz. that they should be complete and correct. With regard to this Work it can be truly said, that no Pains have been spared to make it complete ; and it is presumed, from the care that has been taken, no material Omission will be discovered. One or two short Observations, it is hoped, will not seem improper. A Collection of Treaties was published in the Year 1732 ; and is now very scarce. The Treaties contained in that Work are not only very irregularly arranged, but upon comparing them with the detached Copies published by Authority, were found

to

to be very inaccurately printed ; and some Treaties were wholly omitted. The Method pursued in this Work is chronological. And, in order to make it as correct as possible, whenever the Treaties have been published by Authority, those Publications only have been copied ; and whenever no Translation by Authority has appeared, the Original is inserted, together with a Translation.

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T R E A T I E S, &c.

Treaty of alliance, (commonly called the grand alliance) between the Emperor and the States General, concluded at Vienna, May 12, 1689. To which the King of Great Britain acceded, December 9, 1689. Together with the separate articles.

WILLIAM the third, by the grace of God, king of Great Britain, France and Ireland, defender of the faith, &c. To all and every one to whom these presents shall come, greeting. Whereas, a certain treaty of friendship and stricter alliance between the most serene, most potent, and most invincible prince and lord Leopold, by the grace of God, elect Roman emperor, always august, and of Germany, Hungary, Bohemia, Dalmatia, Croatia, Sclavonia, &c. king, &c. and the high and mighty lords the States General of the United Provinces, was made and concluded at Vienna, the 12th day of May last past, on the emperor's part, by Leopold William, count of Königsegg, vice-chancellor of the empire, &c. and Theodore Althete Henry, count of Stratman, chancellor of the court, his Imperial Majesty's plenipotentiaries, and counsellors of state: and on the part of the States General, by Jacob Hop, counsellor and recorder of the city of Amsterdam, and deputy for Holland and West Friesland, in the assembly of the States General. The tenor of which treaty is as follows:

Be it known and declared, that although the treaty concluded at the Hague a few years since, between his sacred and imperial majesty, and the high and mighty lords the States General of the United Provinces, for their mutual defence, does yet remain in its full vigour; nevertheless, both his Imperial Majesty, and the said States General, considering the greatness of the common danger which threatens all christendom since the last French invasion, and the unconstant faith of the French in the observance of treaties, have judged it necessary to strengthen the conditions of the aforesaid treaty, and the former union, with stricter and firmer ties; and, at the same time, to consider

of more effectual means, as well for restoring as preserving the public peace and safety : and therefore the plenipotentiaries constituted to that purpose by both parties, viz. by his Imperial Majesty, his counsellors of state, Leopold William, count of Königsegg, vice-chancellor of the empire, &c. and Theodore Althete Henry, count of Stratman, chancellor of the court; and by the States General, Jacob Hop, counsellor and recorder of the city of Amsterdam, and deputy for Holland and West Friesland, in the assembly of the States General, after the mutual exchange of their full powers, have covenanted and agreed in the manner following.

I. There shall be and remain for ever a constant, perpetual, and inviolable friendship, and good correspondence, between his Imperial Majesty and the States General; and each of them shall be obliged earnestly to promote the other's interests, and as much as in them lies, to prevent all damages and inconveniences to them.

II. And whereas the French king has lately, without any lawful cause or pretext, attacked as well his Imperial Majesty, as the States General, by a most grievous and most unjust war, there shall be during the same not only a defensive, but also an offensive alliance between the contracting parties, by virtue whereof they shall both of them act in a hostile manner, with all their forces, by sea and land, against the said French king, and such of his allies, as upon exhortation to be used for that purpose, shall refuse to separate themselves from him; and they shall also communicate to one another, their advices for the more usefully contriving the actions of the war, either jointly or separately, for the destruction of the common enemy.

III. It shall not be lawful for either party to withdraw from this war with France, or to enter, separately upon any convention, treaty of peace, or cessation of arms with France, and its adherents, upon any pretext whatsoever, without the consent and concurrence of the other party.

IV. There shall by no means any peace be concluded, before the peace of Westphalia, and those of Osnabrug, Munster, and the Pyreneans, have, by the help of God, and by common force, been vindicated; and that all things, both in church and state, are restored to their former condition, according to the tenor of the same.

V. In case any negotiations of peace or truce shall, by common consent, be entered into, all things that are transacted shall, on both sides, be communicated *bona fide*; nor shall one conclude any thing without the consent and satisfaction of the other.

VI. After the present war, by common consent, shall be ended, and a peace concluded, there shall remain between his Sacred Imperial Majesty, his heirs and successors, and the States General of the United Provinces, a perpetual defensive alliance against the often mentioned crown of France, and its adherents; by virtue whereof, both parties shall use their utmost endeavours, that the peace to be made may remain firm and perpetual.

VII. But if it should happen, that the crown of France should again attack one or both of the confederate parties, contrary to the said peace, at what time soever this shall be done, they shall be obliged faithfully to assist each other with all their forces, and in the same manner as now, both by sea and land, and to repel all manner of hostility and violence; and not to desist till all things are brought again into their former state, according to the conditions of the aforesaid peace, and that satisfaction be given to the party offended.

VIII. Further, his Imperial Majesty, and the States General, shall at all times, and by all means, and with all their forces, protect and defend all the rights of each other, against the crown of France and its adherents; nor shall they themselves do any prejudice to each other in their said rights.

IX. If there are any controversies between the contracting parties, on occasion of the limits of their dominions, or that any such should arise hereafter, they shall be accommodated and composed in a friendly manner, either by a commission, or ministers deputed by both sides, without making use of any manner of force; and, in the mean time, nothing shall be innovated therein.

X. There shall be invited into the society of this present treaty, by his Imperial majesty, the crown of Spain, and, by the States General, the crown of England; and there shall be likewise admitted into the same, all the allies and confederates of either party, who shall think fit to enter into the same.

XI. This treaty shall be ratified by both sides, within the space of four weeks; or sooner, if it may be.

In witness whereof, and for a greater confirmation of the credit and sincerity hereof, there are two instruments of the same tenor made, and signed and sealed by the plenipotentiaries of both parties, and reciprocally exchanged. Done at Vienna the 12th of May, 1689.

(L S) *Leopold William, Count of Konigsegg.*

(L S) *T. A. Henry, Count of Stratman.*

(L S) *J. Hop.*

Whereas the high and mighty lords, the States General of the United Provinces, have sent to us their ambassadors extraordinary, copies of the alliance lately concluded with his Sacred Imperial Majesty, to the end that we should, in their name, invite the king of Great Britain to enter into this alliance; we the underwritten ambassadors extraordinary do declare, that these are true and accurate copies of those that were sent us: for the confirmation whereof, we have made this declaration $\frac{1}{20}$ September, 1689.

A. Schimmelpeninck,

Vander Oge,

Arnoult Van Citters.

N. Witsen,

De Weede.

And whereas the States General have, by their ambassadors extraordinary, invited us, by virtue of the tenth article, to enter into the alliance of the aforesaid treaty; we who desire nothing more than to lay hold of all those means which are necessary and most useful for restoring and preserving the publick peace and quiet, do the more readily come into the same, that we may give this proof of our sincere affection and friendship for his Imperial Majesty, and the said States General. Know ye therefore, that we having perused, and maturely considered the said treaty, have accepted, approved, and ratified, as we do by these presents, for us, our heirs and successors, accept, approve, and ratify the same, together with all and every article thereof; engaging, and upon the word of a king promising, that we will religiously and inviolably observe and perform the said treaty, without violating it in any article, or suffering

fering it, to the utmost of our power, to be violated. Provided always, that his Sacred Imperial Majesty, and the said States General, do admit us into the said treaty, and give and deliver to us the necessary instruments respectively drawn up in the best manner. In further witness and testimony whereof, we have caused our great seal of England to be affixed to these presents. Signed with our hand. Given at our court at Hampton-court, the 9th day of December, in the year of our Lord, as above, 1689, and of our reign the first.

WILLIAM *Rex.*

SEPARATE ARTICLES.

FRANCE having openly declared, in several places and courts, that notwithstanding the most solemn renunciation, they still pretend by force of arms to assert, for the Dauphin, the succession of the Spanish monarchy; in case his Catholick Majesty should die without lawful issue, and publicly aiming to make the said Dauphin king of the Romans: the States General of the United Provinces, maturely considering what a blow either of these pretensions would give to their state, and what prejudice it would bring to the publick affairs and quiet, do promise by these separate articles, which are as valid as if they had been inserted word for word in the principal treaty; first, That in case the present king of Spain should die without lawful issue (which God forbid) they will, with all their forces, assist his Sacred Imperial Majesty, or his heirs, in taking the succession of the Spanish monarchy, lawfully belonging to that house, together with its kingdoms, provinces, dominions and rights, and in their obtaining and securing the quiet possession thereof against the French and their adherents, who shall directly or indirectly oppose this succession; and with force repulse the force they bring against them.

They will likewise use all friendly offices and endeavours with the princes electors of the Empire, their confederates, that the most serene Joseph, king of Hungary, his Imperial Majesty's eldest son, may be speedily chosen king of the Romans: and if France should by threats or arms hinder, oppose, or any way disturb this election, th

will, in opposition thereto, assist his Sacred Imperial Majesty with their utmost force.

The crown of England shall be likewise invited to enter into the agreement of these articles, made at Vienna the 12th of May, 1689. Signed,

(L. S.) *T. A. Henry Comes de Stratman,*
(L. S.) *J. Hop.*

Whereas, the high and mighty lords the States General of the United Provinces, have sent to us, their ambassadors extraordinary, copies of the separate articles of the treaty lately concluded with his Sacred Imperial Majesty, to the end that we should, in their names, invite the king of Great Britain to enter into this alliance; we the undersigned ambassadors extraordinary, do declare, that these are true and accurate copies of the separate articles of the aforesaid treaty. For the confirmation whereof we have made this declaration $\frac{10}{12}$ September, 1689.

A. Schimmelpenninck.
Vander Oge.
Arnoult Van Citters.

N. Witsen.
W. de Nassau.
De Weede.

[These separate articles were ratified in the same manner as the treaty.]

A Convention made between the commissioners of William III. King of England, and the ambassadors of the United Provinces, concluded at London, August $\frac{12}{12}$, 1689, concerning the prohibition of commerce with France.

FOrasmuch as that the Most Christian King hath declared war against the States General of the United Provinces of the Low Countries, and the other allies of the king of Great Britain; and his majesty having put forth his declaration of war against the said Most Christian King, it behoves the said king of Great Britain, and the said lords the States General, to do as much damage as possibly they can to the common enemy, in order to bring him to agree to a just and equitable peace, and to comply with such conditions,

ditions, as may restore the tranquility and repose of Christendom: and as it is necessary for this end, that they should make use of all their forces, and more particularly order matters so, as effectually to interrupt and break off all trade and commerce with the Most Christian King's subjects, that the said king and his subjects may be debarred of all manner of supplies for the use of the war, which otherwise may, by the continuance of it, become very injurious, and be the cause of the effusion of much christian blood; and that his said majesty the king of Great Britain, and the said lords the States General, the better to attain that end, have ordered their fleets to sail towards the coast of France, and to block up all the ports, havens and roads, belonging to the Most Christian King.

I. It is agreed and concluded, between his majesty the king of Great Britain, and the lords the States General, that neither the king, nor the States subjects, shall be allowed, either with their own ships, or those of any other kingdom, country or territory, to traffic, or have any commerce with the subjects of the Most Christian King, in any manner whatsoever; neither shall they import into the havens or countries of the said king, or the said States General, nor into any other countries, any merchandizes or wares, the produce of the dominions and territories under his Most Christian Majesty's obedience; no, nor to carry into the said countries and territories, any merchandizes or wares whatsoever, under the penalty of forfeiting the said merchandizes and wares, as also the vessels employed in the carrying of them.

II. And as several kings, princes and states in Europe, are already engaged in a war against the Most Christian King, and that they have already prohibited, or will in a short time prohibit all commerce with France: it is agreed between his said majesty of Great Britain, and the said lords the States General, that if, during the course of this war, the subjects of any other king, prince or state, shall undertake to traffic, or have any commerce with the subjects of the Most Christian King; or if their vessels or shipping are met with, in their passage to the ports, havens or roads, under the obedience of the Most Christian King; the said vessels, shipping, merchandizes or wares, shall, in

the case abovementioned, be attacked and taken by the captains of men of war, privateers, or other subjects of the king of Great Britain, and the lords the States General, and shall before proper judges be condemned for lawful prize.

III. It is agreed and concluded, that the said king of Great Britain, and the said lords the States, shall, as soon as possible, notify this treaty and convention to all the kings, princes and states of Europe, that are not in war against France; and that the said kings, princes and states, shall at the same time be informed, that if the ships or vessels of their subjects are found, before this notification is given, at sea, making their way for the ports, havens or roads, under the obedience of the Most Christian King, they shall be obliged, by the ships of the king of Great Britain, and of the lords the States, forthwith to turn back: and if the ships or vessels appertaining to those kings, princes and states, or to their subjects, shall be met with sailing from the said ports, laden with the merchandizes or commodities of France, the said ships or vessels shall be obliged to sail back to the said ports, and there to leave the said goods and merchandizes, upon pain of forfeiture; and in case the ships or vessels of those kings, princes and states, or of their subjects, shall, after the said notification, be found at sea, and sailing towards the ports, havens, or roads, under the obedience of the Most Christian King, or from the ports of the said king, they shall be seized and forfeited, together with their cargo, and be reputed good prize. And as to the princes and allies who are already at war with France, it is also agreed and concluded, that notification shall be given them as soon as is beforementioned, and that they shall be desired, at the same time, to concur with such methods as are so conducive to the common interest, and give and execute such orders as tend to the same end: The present treaty shall be ratified by his majesty, and the lords the States General, and the ratification shall be exchanged within the space of six weeks, unless a treaty of an offensive and defensive alliance shall be concluded and signed between His Majesty, and the said States General, before the expiration of that term; in which case, this present treaty shall be confirmed and com-

comprized therein. In the mean time it is agreed and concluded, that all and every the articles of this treaty, shall be executed on both sides, punctually and sincerely, in the same manner as if the ratifications were exchanged, Done at Whitehall, August $\frac{12}{2}$, 1689.

Carmarthen.

Hallifax.

Shrewsbury.

Nottingham.

Wathem.

Schimmelpeninck.

Vander Oge.

N. Witsen.

W. de Nassau.

Arnoult Van Citters.

De Weede.

SECRET ARTICLE.

IT has been agreed by and on both sides, that notification shall forthwith be given, of all the contents of this treaty, not only to the ministers of the kings, princes and potentates concerned, that shall be resident at His Majesty's court, and with the States General, but also to those who are at the courts of foreign kings, princes and states respectively: and moreover it has been agreed, that in case either the one or the other party shall be incommoded or molested by reason of the execution of this present treaty, or any article thereof, his Britannick Majesty, and the high and mighty lords the States, do promise and oblige themselves to be guarantee for and to one another upon that account.

Treaty of friendship and alliance between William III. King of Great Britain, and the lords the States General of the United Provinces, in August, 1689.

THERE shall, for the future, be a sincere, firm, and perpetual friendship, and good correspondence, as well by sea and land, every where and in all places, as well without as within Europe, between the king of Great Britain and his successors, kings of Great Britain, and their kingdoms on the one part, and the lords the States General of the United Provinces of the Low Countries, together with their dominions, provinces, and subjects, reciprocally, on the other part. And

And to the end that this friendship and good correspondence may be the better confirmed, and all difficulties removed, which may happen between both parties, under what pretence soever they may be; it is agreed between the said king of Great-Britain, and the said lords the States General, that all the treaties of peace, friendship, alliance, confederation, commerce and marine, hereafter named and specified, shall be approved and confirmed, both on the one and the other part, viz. the treaty of peace and confederacy concluded at Breda, July $\frac{2}{3}$, 1667.

The treaties of navigation and commerce, concluded at the same time and place.

The treaty of peace and friendship, concluded at Westminster, February $\frac{9}{19}$, 167 $\frac{3}{4}$.

The marine treaty concluded at London the 10th of October, 1679, with a declaration explaining divers articles of the said marine treaty, February 17, 1667, concluded at the Hague, December $\frac{1}{20}$, 1675.

An article for preventing and composing any disputes which may arise between the East India companies of England and Holland, concluded at London, March $\frac{8}{14}$, 167 $\frac{3}{4}$.

The defensive league concluded at London, March 3, 167 $\frac{7}{8}$.

Treaty of concert between the fleets of England and Holland, concluded April 29, 1689.

Treaty for prohibiting any commerce with France, concluded August $\frac{1}{22}$, 1689.

All the said treaties, and all and every article contained in them, are effectually approved and confirmed by this present treaty, and shall remain in their original force and vigour, as if they had been inserted here word for word, so far as they do not contradict or derogate from one another, or this present treaty; in such a manner that the points and matters stipulated by a newer treaty, shall be fulfilled in the proper time, without regard had to an older treaty: moreover, there shall be between His Majesty and his successors, and the lords the States General, their subjects and inhabitants reciprocally, a strict alliance and sincere confederacy, in order to the mutual support and preservation of each other in tranquility, peace, friendship and neutrality, by sea and land, and for the maintaining of each other in the possession of all the rights, franchises and liberties, they do or have a right to enjoy, or
such

such as they shall acquire, or shall be acquired for them, by the treaties of peace, friendship and neutrality, which heretofore have been made, or shall be made for the future, conjointly and in concert with other kings, republicks and cities; the whole however to be confined within the boundaries of Europe only. And they do promise and oblige themselves, not only to be reciprocally guarantees of all the treaties which His Majesty, or his predecessors, and the said lords the States General, have already made with other kings, republicks, princes and states, which shall be produced on the one and the other part, before the exchange of the ratification, but also of all those which they may make for the future, in mutual concert, and by common consent; and also to defend the said treaties, and to assist and continually preserve each other in the possession of the territories, cities, and places that now do, or hereafter shall belong, as well to His Majesty and successors, the kings of Great Britain, as to the lords the States General, in what part soever those territories, cities and places are situated, in case His Majesty and the said States General shall, in any case, as aforesaid, happen to be molested or attacked by any hostile act, or an open war, be it under what pretence soever it will; upon which occasion they shall regulate themselves on both sides, according to what is stipulated in the forementioned treaty concluded on the third of March, 1677.

And as the said king of Great Britain, and the said lords the States, are at this time engaged in a war against France, and that the king of Great Britain, and the States, do find they are under a mutual obligation of aiding and defending one another, as also of reciprocally maintaining their countries and subjects in their possessions, immunities and liberties, and likewise navigation and commerce, and all other rights whatsoever, as well by sea as by land, towards and against all kings, princes and states, and particularly against the said Most Christian King; and to the end they may the better attain to a just and honourable peace, by which the repose and tranquility of Europe may be established, it is agreed between the said king of Great Britain, and the said lords the States, that neither of the said allies shall make any suspension of arms, truce or peace, with

with the said Most Christian King, nor with any other king, prince or state, by whom either the one or the other of the allies shall be molested or attacked, conjointly, or by common consent. And as the said king of Great Britain, and the said States General, have already agreed on a treaty by which they are, for this year, to act in concert with their forces, against the said Most Christian King, it is agreed and concluded, that they shall forthwith concert other articles and stipulations, concerning the number, and employing of their troops and men of war in such a manner, as shall be thought most proper for them to act with the greatest success against the common enemy.

Moreover, it is agreed between the said King and the said States, that if after the peace which shall conjointly, and by common consent, be made with the Most Christian King, as before stipulated; and that after that, either one or the other party comes to be attacked again by the Most Christian King, in that case the treaty of alliance and guarantee, concluded at Westminster on the 3d of March, 1677, between England and the said lords the States, and which is also approved and confirmed by this present treaty, shall then subsist in the full extent of it, and be executed in all its points and articles, as if the same or the like treaty had been made anew, or since the conclusion of the peace with the Most Christian King, but with this variation only, that if the war happens according to the case mentioned in the article of this treaty, neither of the said allies shall agree to any cessation of arms with the said Most Christian King, or any other assailant; but conjointly, and by common consent, all kings, princes, and states, who have a mind to it, shall be comprehended in this treaty, before the exchange of the ratification, or six months after, with the common consent of the said King and States.

The present treaty shall be approved and ratified by the said King and the said States General, and the ratification shall be exchanged on both sides, in due and proper form, within the term of six weeks, or sooner, if it can be done: in witness whereof, we the ambassadors, &c. by virtue of our respective powers, have signed these presents, and put to our seals, at Whitehall, in August, 1689.

Articles of peace between the most serene and mighty prince William III. king of Great Britain, and the most serene and mighty prince Lewis XIV. the most christian king, concluded in the royal palace at Ryfwicke, the $\frac{1}{20}$ day of September, 1697. Reprinted from the copy printed by command of their excellencies the lords justices.

I. **T**HAT there be an universal perpetual peace, and a true and sincere friendship, between the most serene and mighty prince William III. king of Great Britain, and the most serene and mighty prince Lewis XIV. the most christian king, their heirs and successors, and between the kingdoms, states, and subjects of both; and that the same be so sincerely and inviolably observed and kept, that the one shall promote the interest, honour, and advantage of the other, and that on both sides a faithful neighbourhood, and true observation of peace and friendship, may daily flourish and increase.

II. That all enmities, hostilities, discords and wars, between the said king of Great Britain, and the Most Christian King, and their subjects, cease and be abolished, so that on both sides they forbear and abstain hereafter from all plundering, depredation, harm-doing, injuries and infestation whatsoever, as well by land as by sea, and on fresh waters, every where; and especially throughout all the kingdoms, territories, dominions and places, belonging to each other, of what condition soever they be.

III. That all offences, injuries, damages, which the said king of Great Britain and his subjects, or the said Most Christian King and his subjects, have suffered from each other during this war, shall be forgotten; so that neither, on account of them, or for any other cause or pretence, neither party, or the subjects of either, shall hereafter do, cause, or suffer to be done, any hostility, enmity, molestation or hindrance to the other, by himself or others, secretly or openly, directly or indirectly, by colour of right, or way of fact.

IV. And since the Most Christian King was never more desirous of any thing, than that the peace be firm and inviolable, the said king promises and agrees for himself and his successors, that he will on no account whatsoever disturb

sturb the said king of Great Britain, in the free possession of the kingdoms, countries, lands or dominions, which he now enjoys, and therefore engages his honour, upon the faith and word of a king, that he will not give or afford any assistance, directly or indirectly, to any enemy or enemies of the said king of Great Britain; and that he will in no manner whatsoever, favour the conspiracies or plots which any rebels, or ill disposed persons, may in any place excite or contrive against the said king; and for that end promises and engages, that he will not assist with arms, ships, ammunition, provisions, or money, or in any other way, by sea or land, any person or persons, who shall hereafter, under any pretence whatsoever, disturb or molest the said king of Great Britain, in the free and full possession of his kingdoms, countries, lands and dominions. The king of Great Britain likewise, promises and engages for himself and successors, kings of Great Britain, that he will inviolably do and perform the same towards the said Most Christian King, his kingdoms, countries, lands and dominions.

V. That there be a free use of navigation and commerce between the subjects of both the said kings, as was formerly in the time of peace, and before the declaration of the late war, so that every one of them may freely come into the kingdoms, marts, ports and rivers of either of the said kings, with their merchandizes, and may there continue and trade without any molestation, and shall use and enjoy all liberties, immunities and privileges granted by solemn treaties, and ancient custom.

VI. That the ordinary administration of justice shall be restored and set open, throughout the kingdoms and dominions of both kings, so that it shall be free for all the subjects of either, to claim and obtain their rights, pretensions and actions, according to the laws, constitutions and statutes, of each kingdom.

VII. The Most Christian King shall restore to the said king of Great Britain, all countries, islands, forts and colonies, wheresoever situated, which the English did possess before the declaration of this present war. And in like manner the king of Great Britain shall restore to the Most Christian King, all countries, islands, forts and colonies, wheresoever situated, which the French did possess before the

the said declaration of war. And this restitution shall be made on both sides, within the space of six months, or sooner, if it can be done. And to that end, immediately after the ratification of this treaty, each of the said kings shall deliver, or cause to be delivered to the other, or to commissioners authorized in his name for that purpose, all acts of concession, instruments, and necessary orders, duly made, and in proper form; so that they may have their effect.

VIII. Commissioners shall be appointed on both sides, to examine and determine the rights and pretensions which either of the said kings hath to the places situated in Hudson's-bay; but the possession of those places which were taken by the French, during the peace that preceded this present war, and were retaken by the English during this war, shall be left to the French, by virtue of the foregoing article. The capitulation made by the English on the fifth of September, 1696, shall be observed, according to its form and tenor; the merchandizes therein mentioned shall be restored; the governor of the fort taken there shall be set at liberty, if it be not already done; the differences arisen concerning the execution of the said capitulation, and the value of the goods there lost, shall be adjudged and determined by the said commissioners; who, immediately after the ratification of the present treaty, shall be invested with sufficient authority for settling the limits and confines of the lands to be restored on either side, by virtue of the foregoing article, and likewise for exchanging of lands; as may conduce to the mutual interest and advantage of both kings.

And to this end the commissioners, so appointed, shall, within the space of three months from the time of the ratification of the present treaty, meet in the city of London, and within six months, to be reckoned from their first meeting, shall determine all differences and disputes which may arise concerning this matter; after which, the articles the said commissioners shall agree to, shall be ratified by both kings, and shall have the same force and vigour, as if they were inserted word for word in the present treaty.

IX. All letters, as well of reprisal as of marque and counter-marque, which hitherto have for any cause been granted

granted on either side, shall be, and remain null and void; nor shall any the like letters be hereafter granted, by either of the said kings, against the subjects of the other, unless it be first made manifest, that right hath been denied; and it shall not be taken for a denial of right, unless the petition of the person, who desires letters of reprisal to be granted to him, be first shewn to the minister, residing there on the part of the king, against whose subjects those letters are desired; that within the space of four months, or sooner, he may inquire into the contrary, or procure that satisfaction be made with all speed from the party offending, to the complainant. But if the king, against whose subjects reprisals are demanded, have no minister residing there, letters of reprisal shall not be granted, till after the space of four months, to be reckoned from the day on which his petition was made and presented to the king, against whose subjects reprisals are desired, or to his privy council.

X. For cutting off all matter of dispute and contention, which may arise concerning the restitution of ships, merchandizes, and other moveable goods, which either party may complain to be taken and detained from the other, in countries, and on coasts far distant, after the peace is concluded, and before it be notified there; all ships, merchandizes, and other moveable goods, which shall be taken by either side, after the signing and publication of the present treaty, within the space of twelve days in the British and North seas, as far as the cape St. Vincent; within the space of ten weeks beyond the said cape, and on this side of the equinoctial line or equator, as well in the ocean and Mediterranean sea, as elsewhere; lastly, within the space of six months beyond the said line throughout the whole world, shall belong and remain unto the possessors, without any exception, or further distinction of time or place, or any consideration to be had of restitution or compensation.

XI. But if it happens through inadvertency or imprudence, or any other cause whatever, that any subject of either of the said two kings, shall do or commit any thing by land or sea, or on fresh water, any where, contrary to the present treaty, or that any particular article thereof is not fulfilled; this peace and good correspondence between the said two kings, shall not, on that account, be interrupted

rupted or infringed, but shall remain in its former force, strength and vigour, and the said subject only shall answer for his own fact, and undergo the punishment to be inflicted, according to the custom and law of nations.

XII. But if (which God forbid) the differences now composed between the said kings, should at any time be renewed, and break out into open war, the ships, merchandizes, and all kind of moveable goods of either party, which shall be found to be and remain in the ports and dominions of the adverse party, shall not be confiscated or brought under any inconveniency, but the whole space of six months shall be allowed to the subjects of both of the said kings, that they may carry away and transport the aforesaid goods, and any thing else that is theirs, whither they shall think fit, without any molestation.

XIII. For what concerns the principality of Orange, and other lands and dominions belonging to the said king of Great Britain, the separate article of the treaty of Nimeguen, concluded between the Most Christian King and the States General of the United Provinces, the 10th day of August, 1678, shall, according to its form and tenor, have full effect, and all things that have been innovated and altered, shall be restored as they were before. All decrees, edicts, and other acts, of what kind soever they be, without exception, which are in any manner contrary to the said treaty, or were made after the conclusion thereof, shall be held to be null and void, without any revival or consequence for the future: and all things shall be restored to the said king, in the same state, and in the same manner, as he held and enjoyed them before he was dispossessed thereof in the time of the war, which was ended by the said treaty of Nimeguen, or which he ought to have held and enjoyed according to the said treaty. And that an end may be put to all trouble, differences, processes and questions, which may arise concerning the same, both the said kings will name commissioners, who, with full and summary power, may compose and settle all these matters. And forasmuch as by the authority of the Most Christian King, the King of Great Britain was hindered from enjoying the revenues, rights and profits, as well of his principality of Orange, as of other his dominions, which after the

conclusion of the treaty of Nimeguen, until the declaration of the present war, were under the power of the said Most Christian King, the said Most Christian King will restore, and cause to be restored in reality, with effect, and with the interest due, all those revenues, rights and profits, according to the declarations and verifications that shall be made before the said commissioners.

XIV. The treaty of peace concluded between the Most Christian King, and the late Elector of Brandenburg, at St. Germain in Laye, the 29th of June, 1679, shall be restored in all its articles, and remain in its former vigour between his sacred Most Christian Majesty, and his electoral highness of Brandenburg.

XV. Whereas it will greatly conduce to the public tranquillity that the treaty be observed, which was concluded between his sacred Most Christian Majesty, and his royal highness of Savoy, on the 9th of August, 1696, it is agreed, that the said treaty shall be confirmed by this article.

XVI. Under this present treaty of peace, shall be comprehended those who shall be named by either party, with common consent, before the exchange of ratifications, or within six months after. But, in the mean time, the most serene and mighty prince William, king of Great Britain, and the most serene and mighty prince Lewis, the most christian king, gratefully acknowledging the sincere offices, and indefatigable endeavours, which have been employed by the most serene and mighty prince Charles, king of Sweden, by the interposition of his mediation, in bringing this happy work of the peace, with the divine assistance, to the desired conclusion; and to shew the like affection to him, it is by consent of all parties stipulated and agreed, that his said sacred royal majesty of Sweden, shall, with all his kingdoms, countries, provinces and rights, be included in this treaty, and comprehended in the best manner, in the present pacification.

XVII. Lastly, the solemn ratifications of this present agreement and alliance, made in due form, shall be delivered on both sides, and mutually and duly exchanged at the royal palace of Ryfwicke, in the province of Holland, within the space of three weeks, to be reckoned from the day of the subscription, or sooner, if it may be,

In testimony of all and every the things before mentioned, and for their greater force, and to give them all the vigour and full authority they ought to have, the underwritten ambassadors extraordinary and plenipotentiaries, together with the illustrious and most excellent the extraordinary ambassador mediator, have signed and sealed the present instrument of peace. Done, &c.

Signed by the English and French ambassadors, and by the mediator.

SEPARATE ARTICLE.

BESIDES all that is concluded and stipulated by the treaty of peace signed this present day, the 20th of September, it is moreover agreed, by the present separate article, which shall have the same force and effect, as if it was inserted word for word in the said treaty; That the Most Christian King shall covenant and agree, and by the present article he does covenant and agree, that it shall be free for the Emperor and the Empire, until the 1st day of November next, to accept the conditions of peace lately proposed by the Most Christian King, according to the declaration made on the 1st day of this present month, unless, in the mean time, it shall be otherwise agreed between his Imperial Majesty and the Empire, and his Most Christian Majesty. And in case his Imperial Majesty does not, within the time prefixed, accept those conditions, or that it be not otherwise agreed between his Imperial Majesty and the Empire, and his Most Christian Majesty, the said treaty shall have its full effect, and be duly put in execution according to its form and tenor; and it shall not be lawful for the king of Great Britain, directly or indirectly, on any account or cause whatsoever, to act contrary to the said treaty.

Treaty between England, France and Holland, commonly called, the first treaty of partition, concluded August 19, 1698.

I. **T**HE peace re-established by the treaty of Ryswicke, between the most serene and most mighty prince
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Lewis

Lewis XIV. the most christian king of France and Navarre, the most serene and most mighty prince William III. king of Great Britain, and the States General of the United Provinces of the Netherlands, their heirs and successors, their kingdoms, states and subjects, shall be firm and lasting; and their majesties, and the said States General, shall reciprocally do every thing that may contribute to the benefit and advantage one of the other.

II. As the chief aim which his said Most Christian Majesty, and his said majesty of Great Britain, and the said States General, do propose to themselves, is the maintaining the general tranquility of Europe; they have not been able to see, without grief, how the king of Spain's state of health is of late become so languishing, that there is all the reason in the world to fear, that that prince cannot have long to live. Now, although they are not able to turn their thoughts towards that event without affliction, because of the true and sincere friendship they have for him; yet they have judged it to be much the more necessary to look forward upon the same, because his Catholick Majesty having no issue, the succession coming to fall, would infallibly occasion a new war, if the Most Christian King should maintain his pretensions, or those of the Dauphin, to the whole succession of Spain; if the Emperor should likewise support his pretensions, those of the king of the Romans, the archduke, his second son, or the other children; and the elector of Bavaria those of the prince electoral, his eldest son, to the said succession.

III. And whereas the two kings, and the States General, desire, above all things, the preservation of the public quiet, and the avoiding a new war in Europe, by accommodating the disputes and differences that might arise on account of the said succession, or by reason of the umbrage from too many dominions being united under one prince; they have thought good to take beforehand, the necessary measures for preventing the calamities which the said accident of the death of the Catholick King, without issue, might produce.

IV. Therefore it hath been stipulated and agreed, that the said case happening, the Most Christian King, as well in his own name as that of the Dauphin, his children, male and

and female, heirs and successors, born and to be born, as likewise the said Dauphin for himself, his children, male and female, heirs and successors, born and to be born, shall hold themselves satisfied, as they do by these presents hold themselves satisfied, that the said Dauphin have for his share, in full propriety, plenary possession, and extinction of all his pretensions to the succession of Spain, to have and enjoy the same to him, his heirs and successors, born and to be born, for ever, without being ever molested on any pretence whatsoever, of rights or claims, directly or indirectly, even by cession, appeal, revolt, or otherwise, on the part of the Emperor, the king of the Romans, the archduke Charles his second son, his other children, male or female, and descendants, his heirs and successors, born and to be born; or in like manner, on the part of the elector of Bavaria, in the name of the prince electoral of Bavaria, his eldest son, or of the prince electoral, their issue, descendants, heirs and successors, born and to be born; the kingdoms of Naples and Sicily, the places at present depending on the monarchy of Spain, situated on the coast of Tuscany; or the adjacent islands comprehended under the name of Sancto Stephano, Porto Hercole, Orbitello, Telamone, Portolongo, Piombino, in the same manner likewise as the Spaniards do now hold them; the town and marquisate of Final, in the same manner likewise as the Spaniards hold them; the province of Guipuscoa, particularly the towns of Fontarabia and St. Sebastian, situated in that province, and especially the port of Passage, with this restriction only, that if there be any places depending on the said province, which shall be found to lie beyond the Pyrenees, or the other mountains of Navarre, Alava, or Biscay, on the side of Spain, they shall remain to Spain; and in like manner, if there be any places depending on the provinces subject to Spain, but lying on this side the Pyrenees, or other mountains of Navarre, Alava or Biscay, on the side of the province of Guipuscoa, they shall remain to France; and the passages of the said mountains, and the said mountains, that shall lie between the said province of Guipuscoa, Navarre, Alava and Biscay, to whomsoever they belong, they shall be shared between France and Spain, in such manner, as that there shall remain as

much of the said passages and mountains to France on her side, as there shall remain to Spain on hers ; the whole, with the fortifications, warlike ammunition, powder, bullets, cannon, gallies, galley-slaves, which shall be found to appertain to the king of Spain, at the time of his decease without issue, and to be annexed to the kingdoms, places, islands and provinces, which are to compose the share of the Dauphin : it being to be understood, that the gallies, galley-slaves, and other effects appertaining to the king of Spain, by the kingdom of Spain, and other dominions which fall to the share of the prince electoral of Bavaria, shall remain to him ; those which belong to the kingdoms of Naples and Sicily, being to go to the Dauphin, as above-said. In consideration of which kingdoms, islands, provinces and places, the said Most Christian King, as well in his own name, as in that of the Dauphin, his children, male or female, heirs and successors, born and to be born ; as likewise the said Dauphin, for himself, his children, male or female, heirs and successors, born and to be born (who has also given his full power to that purpose to the count de Tallard) do promise and engage to renounce, at the time of the said succession, as in that case they do at this time, by these presents, renounce all their rights and pretensions to the said crown of Spain, and to other kingdoms, islands, states, countries, and places now depending thereon ; and that they will cause solemn acts of the whole matter to be dispatched in the strongest and best form that can be, which shall be delivered at the time of the ratification of this treaty.

V. The crown of Spain, and the other kingdoms, islands, states, countries and places, which at present depend thereon, shall be given and assigned to the prince, eldest son to the elector of Bavaria, except what has been declared in the foregoing article, to make up the share of the Dauphin) in full propriety and plenary possession for his share, and in extinction of all his pretensions to the said succession of Spain, to enjoy the same to him, his heirs and successors, born and to be born, for ever ; so as that he shall never be molested, on any pretence whatsoever, of rights, or claims, directly or indirectly, either by cession, appeal, revolt, or otherwise, on the part of the Most Christian King, the

the said Dauphin, or his issue male or female, and descendants, his heirs and successors, born and to be born; nor on the part of the Emperor, the king of the Romans, the archduke Charles his second son, his other children, male or female, and descendants, his heirs and successors, born and to be born. In consideration of which crown of Spain, and the other kingdoms, islands, states, countries, and places depending thereon, the elector of Bavaria, as well in the quality of father, and lawful tutor, and administrator to the electoral prince his eldest son, as in the name of the said electoral prince, and in that of their children, heirs and successors, born and to be born; as likewise the said electoral prince of Bavaria, as soon as he shall come of age, for his own self, his children, heirs and successors, born and to be born, shall hold themselves satisfied, that the said electoral prince have for his share, the cession made above in this article: and the said elector of Bavaria, as well in the quality of father, and lawful tutor, and administrator to the electoral prince his eldest son, as in the name of the said prince, in that of his children, heirs and successors, born and to be born, shall renounce, at the time of the death of his Catholick Majesty, and the said electoral prince, as soon as he shall come to age, all rights and pretensions to the portion assigned to the Dauphin, and to that which is to be assigned to the archduke Charles, by the following articles. And they shall cause solemn acts of the whole matter to be dispatched in the strongest and best form that can be; to wit, the elector of Bavaria, in the quality abovesaid, at the time of the decease of his Catholick Majesty without issue, and the said electoral prince, as soon as he shall come to age.

VI. The dutchy of Milan shall always be excepted out of the said cessions and assignations, which the two kings, and the States General, have agreed shall be given to the archduke Charles of Austria, second son to the most serene and most mighty prince Leopold, elected emperor of the Romans, for his share, and in extinction of all the pretensions and rights which the said emperor, the king of the Romans, the archduke Charles his second son, all his other children, male and female, and descendants, his successors and heirs, born and to be born, might have to the said

succession of Spain; which said archduke shall have, in full propriety and plenary possession, the said dutchy of Milan, to him, his heirs and successors, born and to be born, to enjoy the same likewise for ever, without being at any time molested, on any pretence whatsoever, of rights or claims, directly or indirectly, on the part of the Most Christian King, the said Dauphin, or the princes his children and descendants, his heirs and successors, born and to be born; or in like manner on the part of the elector of Bavaria, in the name of the electoral prince, his eldest son, or of the said electoral prince, their children, descendants, heirs and successors, born and to be born.

VII. In consideration of which dutchy of Milan, the Emperor also, as well in his own name as in that of the king of the Romans, the archduke Charles his second son, his children, male and female, their children, heirs and successors, born and to be born; as likewise the king of the Romans, and the archduke Charles, as soon as he shall come to age for himself, their children, heirs and successors, born and to be born, shall hold themselves satisfied, that the archduke Charles have, in extinction of all their pretensions to the succession of Spain, the cession of the dutchy of Milan, made as aforesaid; and the said Emperor, as well in his own name as in that of the king of the Romans, the archduke Charles his second son, his children, male and female, and theirs, their heirs and successors; as likewise the said king of the Romans in his own name, shall renounce, at the time of the decease of his Catholick Majesty, and the archduke Charles, as soon as he shall come to age, all other rights and pretensions to the said crown of Spain, and to the other kingdoms, islands, states, countries, and places depending thereon, which compose the shares and portions above assigned to the Dauphin, and the electoral prince of Bavaria. And they shall cause solemn acts of this whole matter, to be dispatched in the strongest and best form that can be; to wit, the Emperor and the king of the Romans, at the time of the decease of his Catholick Majesty without issue, and the archduke Charles, as soon as he shall come to age.

VIII. This present treaty shall be communicated to the Emperor, and the elector of Bavaria, by the king of Great Britain,

Britain, and the States General, immediately after the signing and exchange of the ratifications; and his Imperial Majesty, the king of the Romans, and the said Elector, shall be invited to approve thereof, at the time of the decease of his Catholick Majesty without issue; and the archduke Charles, as likewise the electoral prince of Bavaria, as soon as they shall come of age.

IX. But if the Emperor, the king of the Romans, or the elector of Bavaria, refuse to enter therein, the two kings, and the States General, shall hinder the prince, son, or brother of him that refuses, from entering into possession of that which shall be assigned him, and his portion shall remain as it were in sequestration in the hands of the viceroys, governors, and other regents, [who govern on the part of the king of Spain, who shall not disseise themselves thereof, but with the consent of the two kings and the States General, till such time as he shall have agreed to the said partition, and this treaty; and in case that, notwithstanding, he should endeavour to take possession of his portion, or of that which shall be assigned to others, the said two kings, and the States General, as likewise those that shall be contented with their share by virtue of this agreement, shall hinder him with all their might.

X. The king of Spain coming to die without issue, and the abovesaid case by that means happening, the two kings, and the States General, do oblige themselves to leave the whole succession in the condition it shall then be, without seizing thereof in the whole, or in part, directly or indirectly; but each prince shall and may forthwith, put himself in possession of what is assigned him for his share, as soon as he shall, on his part, have complied with the 5th, 6th, 7th, and 9th articles preceding: and if there be any difficulty therein, the two kings, and the States General, shall use all possible endeavours, to the end that each one may be put into possession of his portion, according to this agreement, and that the same may have its full effect; engaging to give, by sea and by land, the succours and aids of men and ships as are necessary to compel, by force, those that shall oppose the execution thereof.

XI. If the said kings, and the States General, or any of them, are attacked, by whomsoever it may be, on account
of

of this agreement, or the executing thereof, they shall mutually assist each other with all their power; and they shall make themselves guarantees of the punctual execution of the said agreement, and the renunciations made pursuant thereto.

XII. All kings, princes and states, shall be admitted into the present treaty, that desire to enter therein; and the said two kings, and the States General, and each of them in particular, shall be permitted to request and invite all whom they shall think fit to request and invite, who shall in like manner be guarantees of the execution of this treaty, and of the validity of the renunciations therein contained.

XIII. And for the further securing of the quiet of Europe, the said kings, princes and states, shall not only be guarantees of the said execution of the present treaty, and of the validity of the said renunciations as abovementioned, but if any one of the princes, in favour of whom the said partition is made, should hereafter endeavour to disturb the order settled by this treaty, make new attempts contrary thereto, and so aggrandize himself to the detriment of the others, under any pretext whatsoever, the same guaranty of the treaty shall be judged to extend even to that case, in such manner as the kings, princes and states, who undertake the same, shall be obliged to employ their forces in opposing the said attempts, and maintaining all things in the condition agreed on by the said articles.

XIV. If any prince whatsoever oppose the taking possession of the shares agreed on, the said two kings, and the States General, shall be obliged to assist one another against such opposition, and to hinder the same with all their power; and it shall be agreed, immediately after the signing of this present treaty, in what proportion each is to contribute, as well by sea as by land.

XV. The present treaty shall be ratified and approved by the said two kings, and the States General; and the letters of ratification shall be exchanged within the space of three weeks, or sooner, if possible, to be computed from the day of the signing.

In witness whereof we have signed these presents, and sealed

sealed the same with our coats of arms. Made at the Hague, the 11th day of October, 1698. Signed,

*Camille de Hoftrang,
Count de Tallard,
Portland,
William Francis Verbolt,
F. B. de Reede,
A. Heinfus,*

*John Becker,
J. Vander Does,
W. Vanharen,
Ar. Lemker,
And
J. de Drewes.*

Treaty of alliance between William III. King of Great Britain, Charles XII. King of Sweden, and the States General of the United Netherlands; with secret and separate articles. Hague, January $\frac{11}{11}$, A. D. 1700.

I. **T**HE treaty of alliance concluded on the $\frac{4}{11}$ of May, 1698, shall remain in force, and be confirmed by virtue of these presents, in the same manner as if it was inserted herein *verbatim*.

II. In like manner, all the alliances concluded, as well between the kings aforesaid, as between either of them and the said lords the States General of the United Netherlands, shall remain entire and in force, every one according to the term fixed for its duration.

III. And these alliances shall take place, not only in the cases therein concluded and determined, but also particularly, if it should happen that one or more of the confederates, and contracting parties, be invaded by reason of this alliance, under any colour or pretence whatsoever.

IV. And therefore the contracting powers abovementioned, do bind themselves to the reciprocal guaranty of their kingdoms, states, provinces, jurisdictions, and territories in Europe; and promise to defend one another in the best manner, against all attacks, insults, and oppressions of the enemy whatsoever; so that, as soon as any one of the confederates is molested, the other two shall hasten to his defence, according to the conditions of the treaty already entered into with him, and to the stipulations of the present league: and if the succours promised by these treaties be not sufficient, all the necessary forces that can be

be raised, shall be employed in the defence of him who shall be injured, and for procuring him due satisfaction.

V. And because the abovementioned confederates are of opinion, that the security of their kingdoms, states, provinces, jurisdictions and territories, depends, in a great measure, on the preservation of a general peace among the christian princes; and forasmuch as it highly concerns them, that their kingdoms, states and provinces, be not disturbed in a tract of time, by oppressions and attacks from any other powers, and that they be not involved with them in war, they have therefore promised one another, and do by these presents promise each other, that they will defend and stand by the particular treaties following, viz.

VI. The treaties of Osnabrug and Munster, Anno 1648; the treaties of Nimeguen, Anno 1678, and 1679; as also the treaty of peace between the Emperor and Empire, and the kingdom of France, concluded at Ryfwicke, the 20th day of October, Anno 1697, as far as the same does not differ from the treaties of peace at Osnabrug, Munster and Nimeguen.

VII. As also the treaties of peace concluded at Ryfwicke, the 20th of September, 1697, between the king of Great Britain, the king of France, and the lords the States General of the United Netherlands.

VIII. And that the said engagement or guaranty may have its full efficacy and effect, the aforesaid contracting parties shall use all their endeavours, that the covenants mentioned in the former articles may remain entire and inviolable; and if they happen to be infringed or violated in any manner whatsoever, they shall endeavour, by amicable ways and means, separately and jointly, to obtain reparation of the violation and infringement of the said treaties of peace. But if these endeavours and offices prove fruitless, or if a war should be excited before the parties can be reconciled, each of the confederates shall furnish 6000 soldiers for performing the said engagement or guaranty, and for obtaining reparation of the violation and infringement of the said treaties of peace, as soon as they shall be required by any one of the confederates, or as soon as it shall be thought necessary, till the violations and

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infringements committed are repaired, and the peace is restored.

IX. Provided nevertheless, that the said 6000 soldiers shall not be required as succour by any of the confederates any more than once; so that if they be sent to one of the allies by virtue of this common league, no more are to be sent; but the confederates shall agree among themselves, about the place where they are most necessary.

X. That if any of the confederates, upon an exigency, shall furnish another with the succours stipulated by private conventions, either in whole or in part, then he shall not be obliged to give succours to the said confederate, by virtue of this common league; unless the surplus which remains over and above the number of succours stipulated by the common league, exceeds the number determined by the private treaty.

XI. But if it shall happen, that these succours are not sufficient to establish peace, or if the aforesaid confederates, or any one of them, be involved in a war, in that case the confederates shall treat with one another for increasing the succours, according to the contents of the fourth article of this treaty.

XII. The confederates also bind themselves, that they will not furnish succours, or give assistance to the enemies of him or them who shall be involved in war; but, on the contrary, that they will make it their business to weaken the enemy's forces: and to this end the allies shall consult together, for prohibiting commerce with the enemies of such confederate or confederates; or how such enemies may be weakened, and how all approach of their forces may be prevented.

XIII. In case that the succours abovementioned are to be sent to a certain place, the confederates shall unite their endeavours to render the passage of the soldiers safe and easy; and to this end they shall use their best offices with the princes whose countries they are to pass through.

XIV. The said auxiliary forces, sent as is already said, shall be under command of the general of the confederate who is required to send them, and shall also remain united in one and the same body, as long as the nature of the war will admit of it; but the said general shall be obliged to
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obey the chief commanding officer, or general of the confederate that requires them.

XV. Those confederates who happen to be involved in war, shall sincerely and faithfully communicate to one another, every thing that is done, and undertake no negotiation, nor make any truce or peace, without mutual consent.

XVI. They shall likewise confer about all matters with that confederate who happens not to be engaged in war, and shall also comprehend him in the future treaty of peace; and, in the mean time, they shall confer with him, in what manner the succours sent may be made most effectual.

XVII. It shall be lawful for other kings, princes, and states, to accede to the present treaty, as far as their accession may, by the joint opinion of the confederates, be thought conducive to promote, and assert the public tranquillity.

XVIII. This league shall continue 18 years, and the ratifications shall be exchanged at the Hague in two or three months, or sooner, if possible.

In witness whereof, we the plenipotentiaries abovenamed, have signed and sealed the present treaty, of which six instruments are drawn, viz. I Nicholas, free baron de Lillienroot, for the king of Sweden, at the Hague, January $\frac{13}{17}$, 1700; I Joseph Williamson, for the king of Great Britain, at London, January $\frac{20}{17}$, 1700; and we the deputies of the Lords the States General for their High Mightinesses, at the Hague, January $\frac{13}{17}$.

(L. S.) *N. LILLIENROOT.*

(L. S.) *J. WILLIAMSON.*

(L. S.) *J. v. ESSEN.*

(L. S.) *Fr. v. BREEDENHOF. Oosthuysen.*

(L. S.) *A. HEINSIUS.*

(L. S.) *W. de NASSAU.*

(L. S.) *E. de WEEDE.*

(L. S.) *W. van HAAREN.*

(L. S.) *Ar. LEMKER.*

(L. S.) *L. van GOCKINGA.*

SEPARATE and SECRET ARTICLES.

FOrasmuch as there is a defensive league concluded this day, between his sacred royal majesty of Sweden, his sacred royal majesty of Great Britain, and the high and mighty lords the States General of the United Netherlands, and it has been thought, for the common interest, to add certain articles to it, which shall be of the same validity, as if they were expressed in the treaty itself. It is therefore agreed as follows :

I. The confederates abovementioned, shall not only defend and maintain the peace and treaties mentioned in the 6th and 7th articles of the principal league, but also the treaty of peace concluded at Ryfwicke, the 20th of September, 1697, between the kings of France and Spain.

II. If the king of Great Britain, and the lords the States General, shall be compelled to take up arms for the vindication or guaranty of the peace of Ryfwicke, in that case the king of Sweden shall be obliged, instead of the 6000 soldiers mentioned in the 8th article of the principal treaty, to furnish them with 10,000 soldiers, well clothed and armed, together with the necessary field-pieces ; and the king of Great Britain, or the lords the States General, shall pay nothing for mustering and transmitting them ; but the confederate who shall require those auxiliary forces, shall maintain them, and pay them their wages, from the very time that they set out from their posts in Pomerania and Bremen, according to the accustomed rule and method in the pay of the forces of the lords the States General ; and it shall be free for those forces, at all times, to be recruited in the kingdoms and countries subject to his sacred royal majesty of Sweden.

III. Neither of the confederates shall be obliged to send the promised succours to Italy, Spain, or other places of the same or greater distance ; and if the confederate who calls for succours has need of them there, he shall send for them elsewhere ; but, in the mean time, he may make use of the said auxiliary forces in his own or neighbouring countries, as well to divert the enemy, as to defend himself and his confederates.

IV. Forasmuch also, as the tranquility of the North is what the confederate powers abovementioned have very
much

much at heart; and whereas for that end they have each of them severally constituted themselves heretofore as sureties and guarantees of the treaty concluded at Altena, between the king of Denmark and the duke of Holstein Gottorp; and since they are of opinion that the said tranquillity of the North depends very much on the observation of this treaty, they have therefore thought fit to bind one another again by this same treaty, to be sureties and guarantees of the said treaty of Altena; and this suretiship and guaranty shall, for the present, take place against any attack and violence whatsoever: and as for the controversy between the king of Denmark and the duke of Holstein Gottorp, it shall be referred to the negotiation at Pinnenberg, there to be decided as soon as possible.

V. The Emperor and the king of Spain may, if they think fit, accede to this treaty, as they are powers to whom the protection or guaranty of the peace of Ryfwicke chiefly appertains; and terms of agreement shall be made with them.

VI. The king of Great Britain, and the lords the States General, engage, that they will use their utmost endeavours with the king of Spain, to pay the king of Sweden what is become due for the Swedish ships unjustly taken, in the late war, by the subjects of the king of Spain.

In witness whereof, we the underwritten ambassadors extraordinary, and plenipotentiaries of the kings of Sweden and Great Britain, and the deputies of the lords the States General of the United Netherlands, mentioned in the principal treaty, have signed and sealed these separate articles, of which six instruments are drawn, viz. I Nicholas, free baron of Lillienroot, for the king of Sweden, at the Hague, January $\frac{13}{17}$, Anno 1700; I Joseph Williamson, for the king of Great Britain, at London, January $\frac{20}{17}$, Anno 1700; and we the deputies of the lords the States General for their High Mightinesses, also at the Hague, January $\frac{13}{17}$, 1700.

(L. S.) *LILLIENROOT.*

(L. S.) *J. WILLIAMSON.*

(L. S.) *J. van ESSEN.*

(L. S.) *Fr. van BREEDENHOF van Oosthuysen*

(L. S.) *A. HEINSIUS.*

(L. S.)

(L. S.) *W. de NASSAU.*(L. S.) *E. de WEEDE.*(L. S.) *W. van HAAREN.*(L. S.) *AR. LEMKER.*(L. S.) *S. L. GOCKINGA.*

The treaty between the Most Christian King, the King of Great Britain, and the States General of the United Provinces, for settling the succession of the crown of Spain, &c. in case his Catholick Majesty die without issue; commonly called the Second Treaty of Partition; and occasioned by the death of the Elector of Bavaria.

I. **T**HE peace re-established by the treaty of Reswicke, between his Most Christian Majesty, his Britannick Majesty, and the Lords the States General of the United Provinces of the Low Countries, their heirs and successors, their kingdoms, states and subjects, shall be firm and constant; and their majesties, and the said lords the States General of the United Provinces of the Low Countries, shall reciprocally do what they can to contribute to the advantage and profit one of the other.

II. As the principal object which his said Most Christian Majesty, his said Majesty of Great Britain, and the said States General propose to themselves, is, that of maintaining the general tranquility of Europe; they could not without sorrow understand, that the state of the king of Spain's health hath for some time been so languishing, that the life of the said prince is much feared: though they cannot think upon this event without trouble, because of the sincere and true love they have for him, they have nevertheless thought it the more necessary to consider it, because his Catholick Majesty having no children, the business of the succession will infallibly raise a new war, if the Most Christian King should maintain his own pretensions, those of Monseigneur the Dauphin, or of his successors, to the whole succession of Spain; and if the Emperor should also make good his pretensions, those of the king of the Romans, of the archduke his second son, or of his other children, males or females, unto the said succession.

III. And as the two kings and the lords the States General desire, above all things, the conservation of the publick peace, and to prevent a new war in Europe, by accommodating the disputes and differences, which might arise upon the subject of the said succession, or by the umbrage of three estates reunited under one and the same prince, they have thought good to take, beforehand, necessary measures to prevent the evils which the sorrowful event of the Catholick King's death, without children, might produce.

IV. Therefore it is agreed, that if it should so happen, the Most Christian King, as well in his own name, as in that of Monseigneur the Dauphin, his male children, heirs and successors, born or to be born; as also Monseigneur the Dauphin for himself, his male children, &c. shall hold himself satisfied, and do hold themselves satisfied by these presents, that Monseigneur the Dauphin shall have for his share in full property and possession; and in lieu of all his pretensions to the succession of Spain, to be enjoyed by him, his heirs, successors, descendants, males, or, &c. forever, without ever being molested under any pretence whatsoever, in his rights, or pretensions, directly or indirectly, either by cession, appeal, revolt, or other ways, by the Emperor, the king of the Romans, the most serene archduke Charles his second son, the archduchess, his other issue male, or, &c. the kingdoms of Naples and of Sicily, in the same manner the Spaniards possess them, at present, the places depending upon the monarchy of Spain, situated on the coast of Tuscany, or the isles adjacent, being therein comprehended, under the name of Sancto Stephano, Porto Hercole, Orbitello, Palamone, Portolongo, Riombin: in that same manner also as the Spaniards possess them at present, the city and marquisate of Final; in that same manner also as they possess them, the province of Guipuscoa, and particularly the cities of Fontarabia and St. Sebastian, situated in that province, and especially the port of Passage, which is therein comprehended, with this restriction only, that if there be any places depending upon the said province, which shall be found situated beyond the Pyrenees, or the other mountains of Navarre, Alaya, or Biscay, on the side of Spain, they shall remain to Spain, and if there be any places in like manner depending upon
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the provinces subjected to Spain, which are on this side the Pyrenees, or other mountains betwixt the said province of Guipuscoa, Navarre, Alava and Biscay, let them belong to whom they will, they shall be divided between France and Spain, in such sort as there shall remain as much of the said mountains and passes to France on her side, as shall remain to Spain on hers; the whole, with the fortifications, ammunition of war, powder, ball, cannon, galleys, galley-slaves, which shall be found belonging to the king of Spain, at the time of his decease without issue, and to be annexed to the kingdoms, places, islands and provinces, which are to compose the share of Monseigneur the Dauphin: provided that the galleys, galley-slaves, and the effects belonging to the king of Spain for the kingdom of Spain, and other dominions which fall to the share of the most serene archduke, shall remain to him; those which belong to the kingdoms of Naples and Sicily, being to return to Monseigneur the Dauphin, so as abovesaid.

Further, the dominions of the duke of Lorrain, that is to say, the dutchies of Lorrain and Bar, so as Charles IV. of that name possessed them, and as they were restored by the treaty of Reswicke, shall be yielded and transferred to Monseigneur the Dauphin, his heirs and successors males, or, &c. in property and full possession, in lieu of the dutchy of Milan, which shall be quitted and exchanged to the said duke of Lorrain, his male children, or, &c. in all property and full possession; who will not refuse so advantageous a bargain, it being understood that the country of Bitche belongs to Monsieur the prince of Vaudemont, who shall enter into possession of the lands which he heretofore enjoyed, which have been, or ought to have been, restored according to the treaty of Reswicke: on the account of which said kingdoms, islands, provinces, and places, the said Most Christian King, as well in his own as in the name of Monseigneur the Dauphin, his male children, or, &c. who hath also given his full power to the Count de Tallard, and to the Count de Briord, promising and engaging themselves to renounce at the opening of the said succession of Spain, as in this case they have at this time renounced by these presents, all their rights and pretensions to the said crown of Spain, and to all the other kingdoms, islands,

states, lands, and places, which at this time depend thereupon, except what is above excepted for his part. All which they shall confirm by solemn acts, in the most authentick and best form as may be ; which shall be delivered at the time of the exchange of the ratification of this present treaty, to the king of Great Britain and the States General.

V. All the towns, places and ports, situate in the kingdoms and provinces which are to compose the share of Monseigneur the Dauphin, shall be preserved without being demolished.

VI. The said crown of Spain, and the other kingdoms, islands, states, lands and places, which the Catholick King at this time possesses, as well within as without Europe, shall be given to the most serene archduke Charles, second son to the Emperor, except what has been given in the fourth article for the share of the Dauphin, and of the dutchy of Milan, according to the said fourth article, in full propriety and possession, as his part, excluding all his other pretensions to the said succession of Spain ; to enjoy the same for himself and successors, born or to be born, for ever, without being ever molested, under any pretext whatsoever, of rights or pretensions, directly or indirectly, by cession, appeal, revolt, or otherwise, on the part of the Most Christian King, or Monseigneur the Dauphin, or his children male, or, &c. For which said crown of Spain, and other kingdoms, islands, and places thereupon depending, the Emperor, as well in his own name as in that of the king of the Romans, and the archduke Charles his second son, the archduchesses his daughters, his children male, or, &c. as also the king of the Romans for himself, and the most serene archduke Charles, as soon as he shall be of age, for himself, their children, &c. shall be satisfied that the most serene archduke Charles, shall have in lieu of all their pretensions upon the crown of Spain, the said cession abovesaid. And the said Emperor, as well in his own name as in that of the king of the Romans, the most serene archduke Charles his second son, the archduchesses his daughters, his children male, or, &c. or their issue ; as also the said king of the Romans, in his own name shall renounce, when they shall enter into, and ratify this present

sent treaty ; and the most serene archduke Charles, as soon as he shall be of age, all other rights and pretensions to the said kingdoms, islands, states, lands and places, which compose the share or portion assigned to Monseigneur the Dauphin, and of him who shall have the dutchy of Milan by exchange of what shall be given to Monseigneur the Dauphin : of all which they shall cause the most solemn and authentick acts to be made that may be ; that is to say, the Emperor and the king of the Romans, when they shall ratify this present treaty, and the most serene archduke as soon as he shall come of age ; which shall be delivered to his Britannick Majesty, and the said States General.

VII. Immediately after the exchange and ratification of this present treaty, it shall be communicated to the Emperor, who shall be invited to enter thereinto. But if after three months time, from the day of the said communication and the said invitation, or the day that his Catholick Majesty shall die, (if it happen before the expiration of the said three months) his Imperial Majesty, and the king of the Romans, should refuse to enter thereinto, and to agree to the share assigned to the most serene archduke Charles, the two kings, or their successors, and the States General, shall agree upon a prince to whom that part shall be given : and in case, notwithstanding the present convention, the most serene Archduke shall take possession, either of the part which might fall to him ; before he has accepted the present treaty, or of that part which might be assigned to Monseigneur the Dauphin, or to him who shall have the dutchy of Milan in exchange, as abovesaid ; the said two kings, and the States General, by virtue of this convention, shall hinder him with all their forces.

VIII. The most serene Archduke shall not pass into Spain, nor into the dutchy of Milan, during the life of his Catholick Majesty, but with common consent, and not otherwise.

IX. If the most serene Archduke should die without children, either before or after the death of the Catholick King, the share which is hereby assigned to him by the articles of this treaty, shall come to such male child of the Emperor, or, &c. except the king of the Romans, or such children, males, or, &c. of the king of the Romans,

which his Imperial Majesty shall think fit to assign it to. And in case his said Imperial Majesty should die without having made the abovesaid assignment, it may be done by the king of the Romans; but on condition that the said part shall never be united, nor belong to the person of him who shall be Emperor, or king of the Romans, or is become one or the other, be it by succession, will, contract of marriage, donation, exchange, cession, appeal, revolt, or otherways. And in like manner the said share of the serene Archduke, shall never come, or belong to, the person of a prince that shall be king or Dauphin of France, or that is become one or the other, be it by succession, will, contract of marriage, donation, or otherwise.

X. The king of Spain dying without children, and the abovesaid case happening, the two kings and the States General do oblige themselves to leave the whole succession in the same state as it shall then be, without seizing the whole or any part, directly or indirectly; but each prince immediately may put himself in possession of what is assigned him as his share, as soon as he has fulfilled, on his part, the fourth and sixth preceding articles: and in case of difficulty, the two kings and the States General shall do their utmost endeavours, to the end that each one shall be put in possession of his part, according to this agreement; and that it may have its entire effect, engage themselves to give, by sea and land, such help and assistance of men and ships, as shall be necessary to constrain, by force, such who shall oppose the said execution.

XI. If the abovesaid kings and States General, or either of them, be attacked because of this convention, or of the execution that shall be thereof made, they shall mutually assist one another with all their forces, and render themselves guarantees of the abovesaid conventions, and of the renunciations made thereupon.

XII. All kings, princes and states, that will enter into the same, shall be admitted into the present treaty: and it shall be lawful to the two kings and States General, and to each of them in particular, to require and invite all that they shall think fit to enter into this present treaty, and to be jointly guarantees for the execution thereof, and of the validity of the renunciations herein contained.

XIII. And for the further securing the peace of Europe, the said kings, princes and states, shall not only be invited to be guarantees of the execution of the present treaty, and of the validity of the renunciations, as above: but if any one of the princes, in favour of whom the shares are assigned, do in time to come break the order established by this treaty, and begin new enterprizes contrary to the same, and so aggrandize himself at the expence of one or other, under any pretence whatsoever; the guaranty of this treaty shall be understood to extend so far also in this case, that all the kings, princes and states, who promise the same, shall be obliged to employ their forces against such enterprizes; for the maintaining all things in the same condition as agreed to by the said articles:

XIV. In case any prince whatsoever oppose the taking possession of the shares agreed on, the said two kings and the states, shall be obliged to assist one another against such opposition, and to hinder it with all their forces; and shall agree, after the signing this present treaty, on the proportion that each shall contribute, both by sea and land.

XV. The present treaty, and all acts made, or that have dependance thereupon, and especially the solemn acts that his most Christian Majesty, and Monseigneur the Dauphin, are obliged to give, by virtue of the fourth article aforesaid, shall be registered in the parliament of Paris, according to the form and tenour, and usual custom, to have place amongst the conditions therein contained, as soon as the Emperour has entered into the present treaty, or at the end of three months that are allowed him for that purpose, in case he does not enter into it sooner. And likewise his Imperial Majesty, when he enters into the same, shall be obliged to get it approved and registered, with all the acts made in consequence thereof, or which have relation thereunto; especially the solemn acts which his Imperial Majesty, the king of the Romans, and the most serene Archduke, shall be obliged to give, by virtue of the sixth article aforesaid, in the council of state or otherwise, according to the most authentick form of the country.

XVI. The ratifications of the two kings, and the States General, shall be all three exchanged at London at the same time, within the space of three weeks, reckoning from

the day that the States General shall have signed, or sooner, if possible. Done and signed at London, 3 March, N. S. 1700, and 21 Febr. V. S. 1699, by us plenipotentiaries of France and England; and at the Hague, the 25th of the said month of March, 1700, by us plenipotentiaries of France, and of the States General; the two kings and the said States having agreed, that the signing of this present treaty should be performed in this manner. In witness whereof we have signed the said present treaty with our hands, and caused the seals of our arms to be affixed.

Signed, *Tallard, Briord, Portland, Jersey, J. van Er-fen, F. B. de Reede, A. Heinsius, W. de Nassau, E. de Weede, W. van Haaren, Ar. Lemker, Van Heek*, with their seals.

The second grand alliance, or the treaty concluded between the Emperor, the King of Great Britain, and the States General, September 7. 1701.

WHereas Charles the Second, king of Spain, of most glorious memory, being not long since dead without issue, his sacred Imperial Majesty has claimed the succession in the kingdoms and provinces of the deceased king, as lawfully belonging to his august family; but the most Christian King, aiming at the same succession for his grandson the duke of Anjou, and pretending a right did accrue to him by a certain will of the deceased king, has usurped the possession of the entire inheritance, or Spanish monarchy, for the aforesaid duke of Anjou, and invaded by his arms the provinces of the Spanish Low Countries, and the Dutchy of Milan; has a fleet ready fitted in the port of Cadiz, has sent several ships of war to the Spanish West Indies; and by this and many other ways the kingdoms of France and Spain are so closely united and cemented, that they may seem henceforward not to be otherwise considered, than as one and the same kingdom: so that it sufficiently appears, unless timely care be taken, that his Imperial Majesty will be destitute of all hopes of ever receiving satisfaction in his pretension, the sacred Roman Empire

Empire will lose its rights in the fiefs belonging to it in Italy and the Spanish Netherlands; the free intercourse of navigation and commerce which the English and Dutch have in the Mediterranean, the Indies, and other places, will be utterly destroyed; and the United Provinces will be deprived of the security, which they enjoyed by the provinces of the Spanish Netherlands lying between them and the French, which is commonly called a barrier. Lastly, that the French and Spaniards, being thus united, will within a short time become so formidable to all, that they may easily assume to themselves the dominion over all Europe. And therefore, by this way of proceeding of the most Christian King, his Imperial Majesty was brought under a necessity of sending an army, for the preservation as well of his own private interests, as the fiefs of the Empire; the king of Great Britain has thought it requisite to send his forces to the assistance of the States General, whose affairs are in the same condition as if they were actually invaded; and the said States, whose frontiers lie in a manner exposed on all sides, by the breaking and taking away of that fence, commonly called a barrier, which screened them from the neighbourhood of the French, are forced to do all those things for the safety and defence of their commonwealth, which they should and could do if they were in a war: and whereas so dubious a posture of their affairs is more dangerous than a war itself, and that France and Spain take advantage of this state of their affairs, to make a stronger and firmer union between themselves, for oppressing the liberty of Europe, and taking away the freedom of commerce. These reasons inducing his Sacred Imperial Majesty, his Sacred Royal Majesty of Great Britain, and the High and Mighty Lords the States General of the United Provinces, to obviate so great evils as might arise from thence; and desiring, as much as lies in their power, to apply remedies thereto, have thought a strict conjunction and alliance between themselves, necessary for repelling the greatness of the common danger; and to this end have agreed to the following articles of alliance.

I. There shall be and continue, between his Sacred Imperial Majesty, his Sacred Royal Majesty of Great Britain, and the Lords the States General of the United Pro-

vinces

vinces, a constant, perpetual, and inviolable friendship and correspondence: and either party shall be obliged to promote the advantages of the other, and prevent all inconveniencies and damages that might happen to them, as far as lies in their power.

II. His Sacred Imperial Majesty, his Sacred Royal Majesty of Great Britain, and the States General, desiring nothing more earnestly than the peace and general quiet of all Europe, have judged that nothing can be more effectual for the establishment thereof, than the procuring an equitable and reasonable satisfaction to his Imperial Majesty, for his pretension to the Spanish succession; and that the king of Great Britain, and the States General, may obtain a particular and sufficient security for their kingdoms, provinces and dominions, and for the navigation and commerce of their subjects.

III. The confederates therefore shall, in the first place, use their utmost endeavours to obtain by amicable means, and a solid and firm agreement, an equitable and reasonable satisfaction for his Imperial Majesty, on account of the aforesaid succession, and the security beforementioned to his Royal Majesty of Great Britain, and the Lords the States General of the United Provinces; and the confederates shall, to that purpose, employ two months time with all earnestness, and without intermission, to be reckoned from the day that the instruments of ratification shall be exchanged.

IV. But if, contrary to their expectations and wishes, matters cannot be transacted in the manner aforesaid, within the time limited, the confederates do engage and promise to one another, that they will assist each other with all their forces, according to a specification to be agreed upon in a peculiar convention to that purpose, that so they may attain the satisfaction and security before mentioned.

V. The confederates, in order to the procuring the satisfaction and security aforesaid, shall, amongst other things, use their utmost endeavours to recover the provinces of the Spanish Low Countries, that they may be a fence and rampart, commonly called a barrier, separating and distancing France from the United Provinces, for the security of the States General, as they have served in all times un-

til of late, that the Most Christian King has seized them by his forces ; as likewise the dutchy of Milan, with its dependencies, as a fief of the Empire, and contributing to the security of his Imperial Majesty's hereditary countries ; besides the kingdoms of Naples and Sicily, and the lands and islands upon the coasts of Tuscany, in the Mediterranean, that belong to the Spanish dominions, and may serve to the same purpose ; and will also be of advantage to the navigation and commerce of the subjects of the king of Great Britain, and of the United Provinces.

VI. It shall be lawful for his Royal Majesty of Great Britain, and the Lords the States General, by common advice, and for the benefit and enlargement of the navigation and commerce of their subjects, to seize by their forces what lands and cities they can, belonging to the Spanish dominions in the Indies ; and whatsoever they shall so take, shall be their own.

VII. In case the confederates, necessity requiring it, shall be forced to enter into a war, for obtaining the satisfaction aforesaid for his Imperial Majesty, and the security of his Majesty of Great Britain and the States General, they shall faithfully communicate their designs to one another, as well in relation to the actions of the war, as all other things, where the common cause is concerned.

VIII. It shall not be permitted to either party, when the war is once begun, to treat of peace with the enemy, unless jointly, and with the common advices of the other parties ; and no peace shall be made, unless an equitable and reasonable satisfaction for his Imperial Majesty, and the particular security of the kingdoms, provinces, dominions, navigations and commerce, for his Majesty of Great Britain, and the States General, be first obtained ; and unless care be taken by fitting security, that the kingdoms of France and Spain shall never come and be united under the same government ; nor that one and the same person shall be king of both kingdoms ; and particularly that the French shall never get into the possession of the Spanish Indies, neither shall they be permitted to sail thither on the account of traffick, directly or indirectly, on any pretence whatsoever : and lastly, unless full liberty be granted unto the subjects of the king of Great Britain and the States General,

neral, to exercise and enjoy all the same privileges, rights, immunities and franchises, of commerce by sea and land, in Spain, the Mediterranean, and all lands and places which the king of Spain last deceased did possess at the time of his death, as well in Europe as elsewhere, which they used and enjoyed, or which the subjects of both, or either of them, by any right acquired by treaties, agreements, customs, or any other way whatsoever, might have used and enjoyed before the death of the late king of Spain.

IX. At the same time that the said agreement or peace shall be made, the confederates shall agree amongst themselves, about all the things that they shall think necessary for maintaining the navigation and commerce of the subjects of his majesty of Great Britain and the States General, in the lands and dominions they may acquire, and that were possessed by the late deceased king of Spain, and also in what manner the States General may be secured by the aforesaid fence or barrier.

X. And because controversies may arise on account of religion, in the places which the confederates, as it is hoped, may acquire by their arms, they shall agree among themselves, concerning the exercise of it at the same time, as is mentioned in the foregoing article.

XI. The confederates shall be obliged to assist and succour one another, with all their forces, against any aggressor, if the Most Christian King, or any one else, shall think fit to invade any one of the confederates, on the account of this alliance.

XII. But if an agreement can now be made, concerning the satisfaction and security so often mentioned, or if after a war entered into by necessity, peace shall be again restored, there shall, after such an agreement, or peace concluded, be, and always continue between the contracting parties, a defensive alliance for the maintenance of the said agreement or peace.

XIII. All kings, princes and states, that please to have a concern for the general peace, shall be admitted into the society of this alliance; but because it is the peculiar interest of the Sacred Roman Empire, that the publick quiet should be preserved, and the recovery of the fiefs of the Empire, being among other things the subject now in hand; the

the said Empire shall in a special manner be invited into the society of this alliance. It shall moreover be lawful for the confederates, jointly, or any of them separately, to desire whomsoever they shall think fit to be an accessary to this alliance.

XIV. This treaty shall be ratified by all the confederates within the space of six weeks, or sooner, if it may be done.

At the Hague, the 7th Day of September, 1701,
(L. S.) MARLBOROUGH.

Treaty of Alliance between the Kings of Great Britain and Denmark, and the States General of the United Provinces of the Netherlands. Concluded at Odensee; the 20th of Jan. 1701.

BE it known to all whom it concerns. After the change of affairs in Europe, by the death of the late Catholic King, his majesty the king of Great Britain, and their High Mightinesses the States General of the United Provinces of the Netherlands, on the one part, and his majesty the king of Denmark on the other, have maturely considered, that for the security of their kingdoms and provinces, it would be of great use to restore their ancient amity and confidence, in such manner that there might be a perfect union of interests and concord, and an entire confidence established between them, with regard to all affairs that might happen in Europe, and that they should enter into strict engagements to one another; and that for this purpose they should agree on a defensive alliance: and his majesty the king of Denmark, being informed that his majesty the king of Great Britain, and their High Mightinesses, had sent orders to their ministers at his court, to enter into a conference with the ministers, whom his majesty should be pleased to nominate to treat of such defensive alliance, has likewise given order to his ministers, to enter into a negotiation upon this head, with Mr. Hugh Gregg, resident of his majesty the king of Great Britain, at the court of the king of Denmark; and with the Sieur Robert Goes, lord of Bouchhorstburg, their High Mightinesses resident at the court of Denmark; who, after divers conferences,

nences, and the communication and exchange of their full powers, have agreed on the following articles.

I. The defensive alliances concluded between his majesty the king of Great Britain, and the lords the States General of the United Provinces on one part, and his majesty the king of Denmark on the other part, on the 3d of November, 1690, and the 3d of December, 1696, shall remain in force, and are confirmed and renewed in all their articles and clauses, except what are altered by the present treaty.

II. His majesty the king of Great Britain, and their High Mightinesses, promise to pay, without any abatement, default or delay, the sums stipulated by the said alliance of 1696, in good money of Holland, at Amsterdam, one half as soon as the troops mentioned in the 10th article of this treaty, shall begin their march towards their High Mightinesses frontiers, and the other half six months after.

III. And as it is of very great importance to traders, that the navigation be free and safe, his majesty the king of Denmark promises his majesty the king of Great Britain, and the States General, that for the security of commerce, in case a war should happen, he will suffer no privateers, or men of war, to come into any ports or harbours in his dominions, unless such men of war serve as convoys to a fleet of merchant ships: in which case they shall have free entrance into his majesty's ports and rivers; but not when they convoy particular ships or stragglers. Now, it shall not be deemed a fleet of merchant ships, unless it consist of forty ships or more; and that number shall be sufficient to denominate it a fleet as it passes by Jutland, but it is not absolutely necessary that it be so numerous, when the men of war enter into his majesty's ports, because when the merchant ships come to that latitude, they either sail to the Sound, or disperse themselves to the several ports of Norway.

IV. His majesty the king of Denmark, will not oppose the ninth electorate, but promises to conform himself to the contents of the third article of the treaty of 1696, and to the seventh secret article of the said treaty.

V. His

V. His majesty the king of Denmark will make no engagement, nor enter into any treaty, whereby the peace of the North may be disturbed, or whereby a third party may be formed, either in the North, or in Germany; nor will he foment such disturbances, on pretence of being thereto forced by former treaties; but, on the contrary, his majesty, according to the 4th article of the abovementioned alliance, shall do his endeavour to hinder any such treaties from being made.

VI. His majesty the king of Denmark, expressly stipulates liberty of commerce for his subjects, in case a war should happen; but, being unwilling, however, to permit foreignness to commit frauds, by making use of Danish passports, it is agreed, that immediately after the signing of this treaty, the convention made in 1690, between his majesty the king of Great Britain, and their High Mightinesses on the one part, and his majesty the king of Denmark on the other part, relating to commerce in France, shall be examined, in order to change it, as far as it is necessary, for better preventing of frauds; and, till this alteration is agreed on by common consent, the said convention shall be put in force as formerly, and shall serve as a law and rule for the said commerce.

VII. His majesty the king of Great Britain, and their High Mightinesses, promise to pay 300,000 crowns subsidy per annum to his majesty the king of Denmark, all the time that the war continues; and it shall be paid in good bank money at Hamburgh every three months. And in case it does not come to a war, but that the present differences should be pacified by an accommodation, and that the troops of his majesty the king of Denmark should be actually on the march towards the frontiers of the state, his majesty the king of Great Britain, and their High Mightinesses, shall, in such case, be at all the charge of raising those troops.

And if an accommodation be made after the ratification of this treaty, but before the actual march of the said troops towards the frontiers of their High Mightinesses, the king of Denmark shall content himself with one year's subsidy, and a quarter of the sum stipulated for the levies.

VIII. His majesty the king of Great Britain also promises in particular, to pay to his majesty the king of Denmark what remains due to him, by virtue of the convention in 1689, as well for the transportation of 7000 men to Ireland, as with regard to what still remains due to the said troops out of their pay, in case it appear by inspecting the accounts, that the whole has not been paid; and the same shall be cast up in a year after the ratification of this treaty, and the payment afterwards be made, without delay, in the city of Hamburg.

IX. And in order to remove every obstruction out of the way, his majesty the king of Denmark is willing to recede from all demands, which he may have upon their High Mightinesses, on condition that their High Mightinesses oblige themselves to pay those sums for his majesty, which are demanded of him by the province of Holland, and the city of Amsterdam, and to restore to his said majesty, the bonds which his late majesty king Frederick III. of glorious memory, gave to the said province and city.

X. His majesty the king of Denmark promises to send to the assistance of his majesty the king of Great Britain, and their High Mightinesses, as soon as the present treaty is signed, 3000 horse, 1000 dragoons, and 8000 foot, of the kingdom of Denmark, and the country of Holstein; which troops shall be duly mounted and armed, and furnished with their officers and generals. The said troops shall take an oath of fidelity to his majesty the king of Great Britain, and their High Mightinesses, in the same manner as the 7000 men of the Danish troops did formerly to his majesty the king of Great Britain, when they entered into his service. The disposal of vacant commissions, and the administration of justice, shall be upon the same foot as they were, with regard to the said 7000 men. His majesty the king of Great Britain, and their High Mightinesses, shall pay for the raising of the said troops, 80 crowns for every trooper, 60 for every dragoon, and 30 crowns for every foot soldier: one half of this money shall be paid as soon as the said forces are actually on their march towards their High Mightinesses frontiers, and the other half when they are all arrived there. The pay and maintenance
of

of those troops, shall be on the same foot as that of the other troops of their High Mightinesses, and the money shall be advanced to the Danish Commissaries, for them to distribute it, without any discount or deduction; and the pay shall commence from the day that the said troops begin their march towards the frontiers. And if it should be thought proper to transport the troops that are to come from Denmark and Holstein, either in whole or in part, by sea, towards the countries in the dominion of the States, the said transportation shall be at the expence of his majesty the king of Great Britain, and their High Mightinesses; and in case of necessity, they shall be permitted to make use of the ships of his majesty the king of Denmark, or those of his subjects, to facilitate and hasten the said transportation. His majesty the king of Great Britain, and their High Mightinesses, may keep the said troops in their service, as long as they think fit; and when they are for sending them home, they shall let his majesty the king of Denmark know it three months beforehand. Mean time, if any rupture or war happen, the said troops shall, nevertheless, continue in the service of his majesty the king of Great Britain, and their High Mightinesses, as long as the war lasts, unless his majesty the king of Denmark should be attacked in his own kingdoms and dominions, for having furnished the said troops; in which case his majesty the king of Denmark reserves to himself the right and power of recalling them, as soon as he thinks necessary.

XI. In case that one or more regiments or companies of the said troops have the misfortune to be ruined, his majesty the king of Great Britain, and their High Mightinesses, promise to pay, without loss of time, to the colonels or captains of the regiments or companies ruined, the necessary sums to recruit and replace them on the same foot as before. And at the end of the campaign, the same sums for recruits shall be paid to the Danish officers, as are paid to the other officers of their High Mightinesses; to the end that the said troops may be always kept up in a good condition, to be sent home in due time, in as good order as they came.

XII. In like manner his majesty the king of Great Britain, and their High Mightinesses promise, that if his ma-

jeſty the king of Denmark be attacked, or diſturbed in the poſſeſſion of his kingdoms, provinces, territories, tolls, navigation, commerce, or other rights, they will ſpeedily ſend back the ſaid troops, and give them a month's pay, to bear their charges home; which month's pay ſhall be advanced likewise, when the ſaid troops are ſent home after the concluſion of a peace. And beſides, they will ſend to his majeſty the king of Denmark, the ſuccours both by land and ſea, which are ſtipulated in the ſecret articles of the treaty of 1690, which ſuccours they will maintain, during the war, at their own expence; only the king of Denmark ſhall be obliged to furniſh them with bread and forage.

XIII. And for rendering this alliance and union ſtill more perfect, and to leave the parties no manner of doubt as to the certainty of the ſuccours, which they may expect from one another in the manner agreed to as above, it is expreſſly contracted, that in order to form a judgment hereafter, in what caſe this alliance exiſts or not, if any one of the parties be actually attacked by force of arms, though it has not made uſe of any force yet againſt the aggreſſor, that ſhall be ſufficient to determine the caſe. But this article ſhall only be applicable to occaſions that may happen hereafter. And for the preſent, the ſupply of 12000 men ſhall march towards their High Mightineſſes frontiers, as ſoon as the treaty is ſigned, according to the 10th article.

XIV. And to the end that no broil may happen hereafter between his majeſty the king of Denmark, and their High Mightineſſes, on the account of commerce, it is now agreed, that the project of the treaty of commerce and toll of the year 1692, upon which a negotiation was entered into, firſt at Copenhagen, and afterwards at the Hague, ſhall be reſumed, adjusted, concluded and ſigned, at the ſame time as this.

XV. This alliance ſhall ſubſiſt for the ſpace of ten years, computing from the day of ſigning this treaty; and the alliances of 1690 and 1696, which are renewed by this treaty, ſhall alſo continue ten years.

XVI. The Emperor ſhall be invited to enter into this alliance; and if the king of Pruſſia, the houſe of Lunenburg,

burg, or that of Hesse Cassel, desire to be included in it, the high allies shall be at their liberty to consent to it, when they are agreed among one another, on the conditions upon which the said powers may be received into it.

XVII. For the fuller explanation of all the clauses of this present treaty, relating to the sums for raising, maintaining, transporting, marching, recruiting, and sending back the troops mentioned in the 10th article, it is expressly stipulated, that his majesty the king of Great Britain shall pay all those charges when the said troops are in his service, and that the States General shall pay them when they are in the service of their High Mightinesses.

XVIII. The ratifications of this present treaty shall be exchanged at Copenhagen, in six weeks from the day of signing it, on the part of his majesty the king of Great Britain, and in four weeks on the part of the States General.

In witness whereof we have signed this treaty, and thereunto affixed the seals of our arms.

(L. S.) H. GREG.

Done at Odensee, the 20th of Jan. 1701.

Treaty of alliance, offensive and defensive, between Leopold Emperor of the Romans, Anne Queen of England, and the States General of the United Netherlands, on the one part, and Peter II. King of Portugal, on the other part; for asserting the liberty of Spain, for averting the common danger of all Europe, and for defending the right of the most august house of Austria; to the Spanish monarchy. At Lisbon, May 16, 1703. Together with separate articles made and confirmed the same day.

WHEREAS the most serene and most potent prince Leopold, emperor of the Romans, and the most serene and most potent prince William III. late king of Great Britain, and also the High and mighty lords the States General of the United Provinces of the Netherlands, entered into an alliance which was concluded at the Hague, the 7th of September, 1701, which, after the death of the said king, the most serene and most potent

princeſs Anne, queen of Great Britain, cheerfully under-
 took to obſerve; and whereas they invited the moſt ſerene
 and moſt potent Peter II. king of Portugal, that he would
 be pleaſed to accede to the ſaid alliance; and his ſacred
 royal majeſty of Portugal, being not only prevailed on by
 ſo friendly an invitation of the princes the confederates,
 but alſo conſidering that the moſt chriſtian king Lewis XIV.
 ſince the late alliance concluded betwixt himſelf and his
 grandſon, the moſt ſerene the Dauphin's ſecond ſon, and
 his Portuguese majeſty, made it evidently appear, both by
 tokens and facts, that his ſole deſign was to oppreſs the li-
 berty of the Spaniards by a French government, and to
 annex the kingdoms and dominions of Spain, as ſo many
 provinces to the kingdom of France, which would not only
 be very prejudicial and pernicious to the intereſts of Por-
 tugal, but alſo to all the other kingdoms and nations of Eu-
 rope; he has thought it moſt juſt and adviſable, to uſe his
 utmoſt endeavour to avert the common danger, to free
 not only the Spaniards from the yoke of tyranny, but
 their neighbouring and kindred nation the Portuguese,
 who are derived from the ſame original; eſpecially ſince it
 were to be feared, that the preſent age and poſterity would
 have blamed a king who is a Spaniard by birth and origin,
 (for the Portuguese are included in the denomination of
 Spaniards) if he ſhould forſake Spain, his native country,
 in the time of her greateſt diſtreſs, and reſuſe to ſtretch out
 his friendly hand to Spain their common mother, which
 implored the aſſiſtance of her children: therefore, ſince
 nothing was decided concerning the right of ſucceſſion to
 Spain, by the treaties entered into between his ſacred
 royal majeſty of Portugal, and the moſt Chriſtian King and
 his grandſon, which, without prejudging that cauſe, had
 nothing in view but the promoting the peace and tranqui-
 lity of Spain, and the reſt of Europe, the ſaid moſt ſe-
 rene and moſt potent king of Portugal, hath therefore
 thought fit to enter into a treaty with the ſaid moſt ſe-
 rene and moſt potent prince Leopold, emperor of the Ro-
 mans, to whom, by the death of Charles II. without iſſue,
 the ſucceſſion to the dominions of Spain belongs, by right
 of birth and treaties; and with his confederates in the ſame
 cauſe, viz. with the moſt ſerene and moſt potent princeſs
 Anne,

Anne, queen of Great Britain, and the high and mighty lords the States General of the United Provinces of the Netherlands; to the end that, with their united counsels and forces, they might make the strongest provision for the common safety, the liberty of the Spaniards, and the lawful right of succession to the Spanish monarchy. Therefore, in order to bring such treaty to a conclusion, his Sacred Imperial Majesty on the one part, hath given his full powers and commission to Charles Ernest, count Waldstein, his ambassador in Portugal, and the most serene and most potent princess Anne, queen of Great Britain, to Paul Methuen, Esq; her ambassador in Portugal, and the high and mighty lords the States General of the United Provinces of the Netherlands, to Francis Schonenberg : and on the other part, the king of Portugal to Don Nonio de Mello Alvares Pereira, his dearest cousin, &c. to Don Emanuel Telles de Silva, marquis d'Alegrette, &c. and to Don Francis de Tavora Conde de Alvor, and to Don Roque Montegro Paim, and to Don Joseph de Faria. Which said plenipotentiaries have agreed and consented to the following articles.

I. The three confederate powers abovementioned, together with his sacred royal majesty of Portugal, shall unanimously endeavour, that the most serene archduke Charles, his Imperial majesty's second son, may be put into the possession of all Spain, as it was possessed by the catholic king Charles II. but with this proviso, that his sacred royal majesty of Portugal shall not be obliged to carry on an offensive war any where, except in Spain itself.

II. For the carrying on of the said offensive war in Spain, his sacred royal majesty of Portugal shall not be obliged to bring into the field, and maintain there, more than 12000 foot, and 3000 horse, on his own part.

III. Besides these, his sacred royal majesty shall levy 13000 Portuguese soldiers, that the forces may amount in all to 28000 men; of whom 5000 shall be horse, and 23000 foot.

IV. Of these 13000 soldiers, viz. 11000 foot, and 2000 horse, the said 11000 foot soldiers shall be armed with proper weapons, which the confederate powers shall furnish for the purpose, and 2000 arms over and above.

V. The confederate powers shall be obliged to give a million of patacoons to his sacred royal majesty of Portugal every year, as long as the war shall continue, for the expence of the said 13000 soldiers, as well for their wages as other charges which they shall be liable to, as well in quarters as in the field.

VI. The pay of the said million of patacoons shall be settled by equal payments through every month of the year, viz. that part which relates to the wages of the 13000 soldiers, shall commence from the exchange of the ratifications, in proportion to the number of soldiers already raised, and to be raised forthwith ; and as for that part of the million which is for the extraordinary expences of the army when brought out of quarters, the payment thereof shall commence from the first day that they march out. Provided nevertheless, that two months pay be always ready at Lisbon, for the discharge of the first part of this million; and as for the payment of the second part, as soon as the army is brought out of quarters, two months pay shall be advanced beforehand, which shall not be reckoned but in the two last months of the year.

VII. But if it happen that his sacred royal majesty of Portugal do not raise the whole number of 13000 soldiers aforesaid, such part of the wages shall be deducted from the million of patacoons, as would be sufficient for the number of soldiers not mustered.

VIII. Besides the said million of patacoons which the confederate powers ought to furnish every year, for the pay of the 13000 Portuguese soldiers, as is premised, they shall likewise be obliged to furnish 500000 patacoons for accoutring the army, and other things that shall be necessary this first year; and they shall deliver the said sum of money at the time of the ratification of this treaty.

IX. The confederate powers shall furnish, and always have ready in this kingdom of Portugal, every year as long as the war shall last, 12000 foreign veteran soldiers, viz. 10000 foot, 1000 light horse, and 1000 dragoons; which 12000 soldiers they shall furnish not only henceforwards at their own expence, as far as is necessary, but shall likewise arm and pay them their wages both in quarters and in the field, and shall furnish the soldiers with
military

military bread, and the horses with hay and barley; which said bread, hay and barley shall be afforded to them at the same price as they have been usually, and are actually afforded to his sacred royal majesty of Portugal's own soldiers: and this shall be taken care of by his general receivers and officers. Provided nevertheless, that his sacred royal majesty of Portugal shall be at no manner of expence for the said foreign forces, besides providing hospitals and carriages, and every thing thereto belonging.

X. His sacred royal majesty of Portugal shall furnish 2000 horses in Portugal, to be bought with the money of the confederate powers, for mounting their cavalry, at the rate of 40000 rees a horse for every private man, and 60000 a horse for the officers: and at the same rate they shall be obliged to furnish all other horses which the confederate powers shall desire, for augmenting their cavalry.

XI. Together with the above-mentioned 12000 veteran soldiers, ten great brass guns mounted on their carriages, and equipped with all the other furniture necessary for the use of an army, except the mules to draw them, shall be brought into the field at the expence of the confederate powers.

XII. And with the arms for the 11000 Portuguese, part of the 13000 which his sacred royal majesty of Portugal is to furnish, there shall be ten other brass cannons from 12 to 24 pounders mounted on their carriages, which guns, together with the arms for the 11000 Portuguese, shall be the property of his sacred royal majesty of Portugal, so that they shall not be redemanded of him, nor any price required for them.

XIII. The confederate powers shall be immediately obliged to bring into the field at their own expence 4000 quintals of gun-powder, each quintal amounting to 128 pounds Portuguese weight, for the use of the expedition of this first year; and they shall also take care to buy and bring into the field every following year, as long as the war continues, 4000 quintals more of gun-powder, before the forces are brought out of their quarters.

XIV. The confederate powers shall likewise send immediately, together with the foreign forces, two commanders or general officers, who shall have acquired the

character of lieutenant generals, of whom his majesty shall be informed beforehand; four serjeant majors to muster the army; four officers of horse who shall discharge the office of commissaries; two lieutenant generals of the ordnance, 12 engineers, 40 gunners, 10 workers in fire-works, 20 pioneers, all to be paid by the confederate powers, in the same manner as they are obliged to pay for the 12000 foreign soldiers.

XV. All the foreign forces which the confederate powers are to send to, and keep in Portugal, shall not only be subject to his Portuguese majesty's command, but also to that of his governors, generals, and the officers who are superior by their posts. But for breach of commands and other wicked crimes, they shall be punished by the marshals or generals and auditor generals of the army, in the military way, as the Portuguese themselves are or shall be punished; especially for those things which relate to the violation of religious concerns.

XVI. The confederate powers shall give all aid and assistance to the king of Portugal's undertakers, in exporting from their lands all the gun-powder, arms, provisions, and all the other instruments and materials for war, whether by land or sea, which they shall desire, at the same prices as the said confederate powers used to get them for their own use.

XVII. The maritime powers shall be obliged to have and keep a sufficient number of men of war on the sea-coasts, and in the harbours of Portugal, to protect the said coasts and harbours, and the trade and merchant-fleets from hostilities; so that upon notice that the said harbours and fleets are likely to be attacked with a superior force, the said confederate powers shall be obliged before such case happens, to send such a number of men of war to Portugal as shall be equal, and even superior to the ships and forces of the enemy, who shall form a design to attack the said harbours or fleets. And as sudden cases may happen upon the departure of the ships of the said confederate powers from the coast and harbours of Portugal, the said confederate powers shall be obliged to let as many ships remain in those seas or harbours, as his sacred royal majesty of Portugal shall judge necessary.

XVIII. But

XVIII. But if any powers make war upon the dominions and territories of the Portuguese beyond the seas; or if his sacred royal majesty of Portugal be informed that the enemies have such a design, the confederate powers shall afford such a number of men of war to his sacred royal majesty of Portugal, as shall be of equal, if not superior force, not only to repel the enemy's ships, but to hinder such war or descent, as often as occasion shall require. But if the enemies have taken any town, or possessed any place which they fortify in the said provinces and territories beyond sea, those aids shall be continued till the towns or places so taken are intirely recovered.

XIX. All the auxiliary ships shall be subject to the command of his sacred royal majesty of Portugal; and when they go to the provinces and territories of the Portuguese beyond sea, they shall do those things which his sacred royal majesty's viceroys and governors shall injoin them in his name.

XX. But when these auxiliary ships, of the two powers, happen in any case whatever to be joined with the Portuguese ships, the commander of the Portuguese squadron or ships who has the right of carrying the flag, shall give the signals, and summon a council of war, which shall be held in the Portuguese commodore's cabin: and from him commands shall be issued for putting the deliberations of the council in execution; which the captains of the auxiliary ships shall execute every one in his own ship.

XXI. Neither peace nor truce shall be made but by the mutual consent of all the allies: Nor shall either be concluded at any time, whilst his most christian majesty's second grandson by the dauphin, or any other prince of French extraction, shall continue in Spain; and the Portuguese crown shall have the intire possession and government of all lands, kingdoms, islands, states, territories, castles, cities, towns, villages, and their territories and appendages, which it hath now in Spain and out of Spain.

XXII. Nor shall peace be made with the most christian king, unless he gives up all the right he pretends to have to the countries belonging to the North Cape, and the additional territories of the state of Maranon, lying between the

the river of Amazons and that of Vincent Pifo; notwithstanding any treaty, either provisional or decisive, made between his sacred royal majesty of Portugal and the said most christian king, concerning the possession of, and right to the said countries.

XXIII. After the most serene archduke Charles shall have conquered Spain, he shall pay to his sacred royal majesty of Portugal and the India company whatever the crown of Spain was obliged to pay to them by virtue of a convention made with that crown, as much as if it had been really made with him; and shall punctually observe all its obligations and conditions, and take care that the payments be made at the terms therein expressed; viz. the first payment at the arrival of the first India fleet or Flotilla, which comes to Spain after the said most serene archduke shall ascend the throne; the second at the arrival of the second fleet: and he shall perform the other things that are contained in the said convention, so as that the crown of Portugal and the India company may obtain all things which they ought to obtain by virtue of the said convention. And her sacred royal majesty of Great Britain, and the high and mighty lords the states general of the United Netherlands, bind themselves as guarantees for the most serene archduke's performance of the contents of this article.

XXIV. The most serene archduke Charles shall come to Portugal, and land there, with all the auxiliary forces which the confederate powers ought to send, as it is stipulated and agreed in this treaty; nor shall his sacred royal majesty of Portugal be obliged to make war, till the most serene archduke and all the succours both of men and ships are arrived in Portugal.

XXV. Moreover, as soon as the most serene archduke arrives in Portugal, his sacred royal majesty of Portugal shall acknowledge and hold him for king of Spain, as king Charles II. possessed it. Provided nevertheless, that he give previous notification in due form of law to his sacred royal majesty of Portugal, that the right by which he is king of Spain is lawfully yielded and transferred to him.

XXVI. At

XXVI. At the same time that his sacred royal majesty of Portugal shall enter upon the war, the maritime powers shall be obliged to send a strong fleet to annoy the coast of Spain, in order to give a diversion to the enemy's forces, and to facilitate the main business of the expedition.

XXVII. For the same reason the confederate powers shall be obliged to prosecute the war strenuously, as well in the Netherlands and on the upper Rhine as in Italy, at the very time that Portugal shall carry her arms into Spain; and this shall be continued in the same manner every year as long as the war shall last.

XXVIII. It is provided, that it shall not be lawful at any time for the said potentates to claim or demand from the crown of Portugal all or any part of the costs and charges, which they shall incur on account of the aids to be furnished by virtue of this treaty, whether in land-forces and shipping, or in money, arms, gun-powder, guns, &c. although the same be not particularly provided against in all and singular the clauses and articles of this treaty, in which those aids are stipulated.

XXIX. This treaty shall be duly and legally confirmed and ratified by the above-mentioned principals of the said plenipotentiaries; and the ratifications shall be exchanged at Lisbon within the space of three months from the time of signing it.

In witness of all which, we the above-named plenipotentiaries of his sacred imperial majesty and his sacred royal majesty of Portugal, and of the high and mighty lords the states general of the United Netherlands, have set our hands to this instrument, and sealed it with the seals of our arms. But the plenipotentiary of her sacred royal majesty of Great Britain, for avoiding the dispute between the crowns of Portugal and Great Britain concerning precedence, has, after the manner and custom observed between both crowns, signed and sealed other instruments of the same tenor separately. Done at Lisbon, May 16, 1703.

(L. S.) *C. de WALDSTEIN.*

(L. S.) *SCHONENBERG.*

(L. S.)

- (L. S.) *D. Marquis PEREIRA.*
 (L. S.) *Marquis d' ALEGRETTE.*
 (L. S.) *Conde de ALVOR.*
 (L. S.) *Roque MONTEGRO PAIM.*
 (L. S.) *Joseph de FARIA.*

SECRET and SEPARATE ARTICLES.

IT has been agreed that the two secret articles underwritten should be added to the treaty, signed and sealed this day by the plenipotentiaries of his sacred imperial majesty, his sacred royal majesty of Great Britain, and the high and mighty lords the states general of the United Netherlands on the one part, and by the plenipotentiaries of his sacred royal majesty of Portugal on the other hand; with this proviso nevertheless, that they shall be altogether as firm and valid as the intire and substantial part of the said offensive alliance.

I. 'Tis provided, that the most serene archduke Charles, after the right is lawfully yielded and transferred to him, for his being king of Spain and the West Indies, as the catholick king Charles II. possessed them both, shall yield and give to his sacred royal majesty of Portugal, the towns of Badajox, Albuquerque, Valencia, and Alcantara in Estremadura, and the towns of Guarda, Tuy, Bayonne and Vigo in the kingdom of Galicia, and all those towns, cities and castles, with the territories thereof, as they belong to each respectively, and in the same manner as they are now extended. Which cession and donation shall be made to the crown of Portugal for ever, to the end that the kings of Portugal may possess all those towns, cities, and castles, as is premised, with the same title, propriety and sovereignty as they were possessed by the aforesaid catholick king Charles II.

II. Moreover, the most serene archduke shall in like manner be obliged at the same time to yield and give to his sacred royal majesty of Portugal, and to the crown of that kingdom for ever, all and every right which he had, and might have had, to the countries situate on the north side of Rio de la Plata, which shall be the boundary of the American dominions of both crowns, in such manner, that

that his sacred royal majesty of Portugal may possess and garrison them as their true sovereign, in the same manner as all the other countries of his dominions; notwithstanding any treaty either provisional or decisive, made with the said crown of Spain. In witness whereof, &c. signed as above.

*another Treaty 12. July 1703.
See Vol: 2 page 1331.*

Treaty of Commerce betwixt Anne Queen of Great Britain, and Peter, King of Portugal. Concluded at Lisbon, the 27th of December, 1703.

WHEREAS the league and strict friendship which is between the most serene and most potent princess, Anne, queen of Great Britain, and the most serene and most potent, Peter, king of Portugal, requires that the commerce of both the British and the Portugal nations should be promoted as much as possible; and her sacred royal majesty of Great Britain hath signified to his sacred royal majesty of Portugal, by the most excellent John Methuen, Esq; member of the English parliament, and ambassador extraordinary in Portugal, that it would be very acceptable to her, if the woollen cloths, and the rest of the woollen manufactures of Britain, might be admitted into Portugal, the prohibition of them being taken off: that this matter may be treated and transacted, they have given their full powers and commands; that is to say, her sacred majesty of Great Britain to the abovesaid most excellent John Methuen, and his sacred majesty of Portugal, to the most excellent don Emanuel Telles, marquiss of Alegrete, Conde de Villa Major, in the society of the knights of Christ, &c. &c. who by virtue of the full powers to them respectively granted, having maturely and diligently considered the matter, have agreed upon the following articles.

I. His sacred royal majesty of Portugal promises, both in his own name, and that of his successors, to admit, for ever hereafter, into Portugal, the woollen cloths, and the rest of the woollen manufactures of the Britons, as was accustomed, till they were prohibited by the laws; nevertheless upon this condition,

II. That

II. That is to say, that her sacred royal majesty of Great Britain shall, in her own name, and that of her successors, be obliged for ever hereafter, to admit the wines of the growth of Portugal into Britain; so that at no time, whether there shall be peace or war between the kingdoms of Britain and France, any thing more shall be demanded for these wines by the name of custom or duty, or by whatsoever other title, directly or indirectly, whether they shall be imported into Great Britain in pipes or hogshheads, or other casks, than what shall be demanded from the like quantity or measure of French wine, deducting or abating a third part of the custom or duty. But if at any time this deduction or abatement of customs, which is to be made as aforesaid, shall in any manner be attempted and prejudiced, it shall be just and lawful for his sacred royal majesty of Portugal, again to prohibit the woollen cloths, and the rest of the British woollen manufactures.

III. The most excellent lords the plenipotentiaries promise and take upon themselves, that their above-named masters shall ratify this treaty, and within the space of two months the ratifications shall be exchanged.

For the faith and testimony of all which things, I the plenipotentiary of her sacred royal majesty of Great Britain, have confirmed this treaty, by the subscription of my hand, and by the seal of my coat of arms. And the most excellent lord the plenipotentiary of his sacred royal majesty of Portugal, for avoiding the controversy about precedence between the two crowns of Britain and Portugal, hath subscribed another instrument of the same tenor, changing only what ought to be changed for that reason. Given at Lisbon, the 27th of the month of December, 1703.

(L. S.) John Methuen.

The Treaty between her Majesty and the States General for securing the Succession to the Crown of Great Britain, and for settling a Barrier for the States General against France. Concluded at the Hague the 29th of October, 1709. Reprinted from the Copy published by Order of the House of Commons.

HER

HER majesty the queen of Great Britain, and the lords the states-general of the United Provinces, having considered how much it concerns the quiet and security of their kingdoms and states, and the public tranquillity, to maintain and to secure on one side the succession to the crown of Great Britain, in such manner as it is now established by the laws of the kingdom; and on the other side, that the said states-general of the United Provinces should have a strong and sufficient barrier against France, and others, who would surprize or attack them; and her majesty and the said states-general apprehending, with just reason, the troubles and the mischiefs which may happen, in relation to this succession, if at any time there should be any person, or any power, who should call it in question; and, that the countries and states of the said lords the states-general, were not provided with such a barrier. For these reasons, her said majesty the queen of Great Britain (though in the vigour of her age, and enjoying a perfect health, which God preserve for many years) according to her usual prudence and piety, has thought fit to enter with the lords the states-general of the United Provinces, into a particular alliance and confederacy, whereof the publick quiet and tranquillity, and the preventing, by timely measures, all the events, which might one day or other occasion new wars, are to be the principal end and only aim. With this view it is, that her Britannick majesty, for adjusting certain articles of a treaty, which is additional to the treaties and alliances that she has already with the lords the states-general of the United Provinces, has given her full power to her ambassador extraordinary and plenipotentiary, Charles viscount Townshend, baron of Lynn-Regis, and the lords the states-general of the United Provinces, to the sieurs John de Welderen, Frederick, baron of Rheed, Anthony Heinius, Cornelius Van Gheel, Gedeon Hoeuft, Hessel Van Sminia, Ernest Itterfum, and Wicher Wichers, who have agreed upon the following articles.

I. The treaties of peace, friendship, alliance, and confederacy, between her Britannick majesty and the states-general of the United Provinces, are approved and confirmed

firmed by the present treaty, and shall remain in their former force and virtue, as if they were inserted word for word.

II. The succession to the crown of England having been settled by an act of parliament passed the twelfth year of the reign of his late majesty king William the Third; the title of which is, " An act for the farther limitation of the crown, and better securing the rights and liberties of the subject;" and lately, in the sixth year of the reign of her present majesty, this same succession having been again established and confirmed by another act made " for the greater security of her majesty's person and government, and of the succession to the crown of Great Britain, &c. in the line of the most serene house of Hanover, and in the person of the princess Sophia, and of her heirs, successors, and descendants, male and female, born or to be born." And no power having any right to oppose the laws made to this purpose, by the crown and parliament of Great Britain; if it should happen, nevertheless, under any pretence, or for any cause whatever, that any person, or any power, or state, should pretend to call in question the establishment which the parliament has made of the aforesaid succession in the most serene house of Hanover, to oppose the said succession, to assist or to favour those who may oppose it, directly or indirectly, by open war, or by fomenting seditions and conspiracies against her or him, in favour of whom the crown of Great Britain shall be settled pursuant to the acts aforesaid: the states-general of the United Provinces engage and promise to assist and maintain in the said succession, her or him to whom it shall belong by virtue of the said acts of parliament, to assist them in taking possession, if they have not already got it, and to oppose those who would disturb them in the taking such possession, or in the actual possession of the aforesaid succession,

III. Her said majesty and the states-general, pursuant to the fifth article of the alliance concluded between the emperor, the late king of Great Britain, and the lords the states general, the 7th of September, 1701, shall employ all their forces to recover the rest of the Spanish Low-Countries.

IV. And

IV. And farther, they shall endeavour to conquer as many towns and forts as they can, that they may serve as a barrier and security to the said Lords the States.

V. And whereas, according to the ninth article of the said alliance, it is to be agreed, amongst other things, how and in what manner the States shall be secured by means of this barrier, the queen of Great Britain shall use her endeavours to procure, that in the treaty of peace it may be agreed, that all the Spanish Low Countries, and what else may be found necessary, whether in respect to towns and places conquered, or not conquered, shall serve as a barrier to the States.

VI. That to this end, their High Mightinesses may put and keep garrison, change, augment, and diminish it, as they shall judge proper, in the places following; namely, Newport, Furnes, with the fort of Knocke, Ypres, Menin, the town and citadel of Lisle, Tournay and its citadel, Condé, Valenciennes, and the places which shall hereafter be conquered from France; Maubeuge, Charleroy, Namur, and its citadel; Liere, Halle to be fortified; the forts of Perle, Philippe, Damme, the castle of Gand and Dendermonde; the fort of St. Donas being joined to the fortifications of Sluice, and being entirely incorporated with it, shall remain and be yielded in property to the States. The fort of Rodenhuyzen, on this side Gand, shall be demolished.

VII. The said Lords the States General may, in case of an apparent attack, or war, put as many troops as they shall think necessary, into all the towns, places and forts of the Spanish Low Countries, where the usage of war shall require it.

VIII. They may likewise send into the towns, forts, and places, where they shall have their garrisons, without any hindrance, and without paying any duties, provisions, warlike ammunitions, arms, and artillery, materials for the fortifications, and all that shall be found convenient and necessary for the said garrisons and fortifications.

IX. The said Lords the States General may also put in the towns, forts, and places of their barrier mentioned in the foregoing sixth article, where they shall have their garrisons, such governors and commanders, majors, and other

officers, as they shall think fit, who shall not be subject to any other orders relating to the security and military government of the said places, whatsoever they may be, or from whomsoever they may come, but only to those of their High Mightinesses, exclusive of all others; yet, without prejudice to the rights and privileges, as well ecclesiastical as political, of king Charles III.

X. That farthermore, the said Lords the States may fortify the said towns, places, and forts belonging thereunto, and repair the fortifications thereof, in such manner as they shall judge necessary; and farther, they may do whatever shall be useful for their defence.

XI. The Lords the States General shall enjoy all the revenues of the towns, places, chatellenies, and their dependencies, which they shall have for their barrier from France, whereof the crown of Spain was not in possession at the time of the death of the late king Charles II. and, besides, a million of livres shall be settled, to be paid, of one hundred thousand crowns every three months, out of the clearest revenues of the Spanish Low Countries, which the said king was then in possession of: both which are to serve for maintaining the garrisons of the States, and providing for the fortifications, as also the magazines, and other necessary expences in the towns and places abovementioned. And, to the end that the expences to be made may be supplied from the said revenues, endeavours shall be used for enlarging the dependencies and chatellenies abovementioned, as much as possible, and particularly for stipulating, that the chatelleny of Cassel, and the wood of Niepe, may go along with the chatelleny of Ypres, and the jurisdiction of Douay with the chatelleny of Lille; both the one and the other having been annexed thereto before the present war.

XII. That no town, fort, place, or country, of the Spanish Low Countries, shall be yielded, transferred, or given, or descend to the crown of France, or to any one of the French line, whether by virtue of any gift, sale, exchange, marriage-agreement, inheritance, succession by will, or without will; nor by any title, or in any other manner whatsoever, shall they be put into the power, or under

under the authority of the Most Christian King, or of any one of the French line.

XIII. And whereas the said Lords the States General, in pursuance of the ninth article of the said alliance, are to make a convention or treaty with king Charles III. for putting the States in a condition of safety, by means of the said barrier, the queen of Great Britain will concur with her good offices, that all that is abovementioned, relating to the barrier of the States, may be inserted in the aforesaid treaty or convention; and that her said majesty will continue her good offices, till the abovementioned convention, between the States and the said king Charles III. be concluded, agreeably to what is before-mentioned; and that her majesty will guaranty the said treaty, or convention.

XIV. And to the end that the said Lords the States may enjoy, from this present time, as much as possible, a barrier for the Spanish Low Countries, they shall be permitted to put their garrisons into the towns already taken, and which may be taken before the peace be concluded, and put in execution; and in the mean while, the said king Charles III. shall not enter into possession of the said Spanish Low Countries, neither in the whole, nor in part; and, during that time, the queen shall assist their High Mightinesses in maintaining them in the enjoyment of the revenues, and in finding the million of livres a year abovementioned.

XV. And whereas their High Mightinesses have stipulated, by the treaty of Munster, in the fourteenth article, that the river Schelde, as also the canals of Sas, Swyn, and other mouths of the sea joining thereunto, should be kept shut on the side of the States.

And in the fifteenth article, that the ships and commodities going in, and coming out of the harbours of Flanders, shall be and remain charged with all such imposts, and other duties, as are raised upon commodities going and coming along the Schelde, and the other canals abovementioned.

The queen of Great Britain promises and engages, that their High Mightinesses shall never be disturbed in their right and possession, in that respect, neither directly nor

indirectly, but that they shall continue fully to enjoy the same; as also, that in prejudice of the said treaty, the commerce shall not be made more easy by the sea ports, than by the said rivers, canals, and mouths of the sea, on the side of the States of the United Provinces, neither directly nor indirectly.

And whereas, by the sixteenth and seventeenth articles of the same treaty of Munster, his majesty the king of Spain, is obliged to treat the subjects of their High Mightinesses, as favourably as the subjects of Great Britain, and the Hans Towns, who were then the people the most favourably treated: her Britannick majesty, and their High Mightinesses, promise likewise, to take care that the subjects of Great Britain, and of their High Mightinesses, shall be treated in the Spanish Low Countries, as well as in Spain, the kingdoms and States belonging thereunto, equally, and both the one and the other, as favourably as the nations which are the most favoured.

XVI. The said queen and States General oblige themselves to furnish, by sea and land, the succours and assistance necessary to maintain, by force, her said majesty in the quiet possession of her kingdoms, and the most serene house of Hanover in the said succession, in the manner it is settled by the acts of parliament before-mentioned; and to maintain the said States General in the possession of the said barrier.

XVII. After the ratifications of this treaty, a particular convention shall be made of the conditions, according to which the said queen, and the said Lords the States General, will engage to furnish the succours which shall be thought necessary, as well by sea as by land.

XVIII. If her British majesty, or the States General of the United Provinces, be attacked by any one whatsoever, on account of this convention, they shall mutually assist one another with all their forces, and shall become guarantees of the execution of the said convention.

XIX. All the kings, princes and states, that shall be willing to enter into this present treaty, shall be invited and admitted into the same, as soon as possible, particularly his Imperial Majesty, the kings of Spain and Prussia, the Elector of Hanover, and her Britannick majesty, and the

the States General of the United Provinces, and each of them in particular, shall be permitted to require and invite those whom they shall think fit to require and invite, to enter into this treaty, and to be guarantees of its execution.

XX. And as time has shewn the omission which was made in the treaty signed at Ryfwicke, in the year 1697, between England and France, concerning the right of the succession of England, in the person of her majesty the queen of Great Britain, now reigning; and that, for want of having settled in that treaty this indisputable right of her majesty, France refused to acknowledge her for queen of Great Britain, after the death of the late king William III. of glorious memory: her majesty the queen of Great Britain, and the Lords the States General of the United Provinces, do agree and oblige themselves likewise, not to enter into any negotiation or treaty of peace with France, before the title of her majesty to the crown of Great Britain, as also the right of succession of the most serene house of Hanover, to the said crown, in the manner it is settled and established by the abovementioned acts of parliament, be fully acknowledged by France as a preliminary; and that France has promised at the same time, to remove out of its dominions, the person who pretends to be king of Great Britain; and that no negotiation nor formal discussion of the articles of the said treaty of peace shall be entered into, but jointly, and at the same time with the said queen, or with her ministers.

XXI. Her Britannick majesty, and the Lords the States General of the United Provinces, shall ratify and confirm all that is contained in the present treaty, within the space of four weeks, to be reckoned from the day of the signing. In testimony whereof, the underwritten ambassador extraordinary and plenipotentiary of her Britannick majesty, and the deputies of the Lords the States General, have signed this present treaty, and have affixed their seals thereunto. At the Hague the 29th of October, in the year 1709.

SEPARATE ARTICLES.

I. **A**S in the preliminary articles signed here at the Hague the 28th of May, 1709, by the plenipotentiaries of his Imperial majesty, of her majesty the queen

of Great Britain, and of the Lords the States General of the United Provinces, it is stipulated, amongst other things, that the Lords the States General shall have the entire property and sovereignty of the upper quarter of *Guelder*, according to the 52d article of the treaty of Munster of the year 1648; as also that the garrisons, which are, or hereafter shall be, on the part of the Lords the States General, in the town of Huy, the citadel of Liege, and in the town of Bonne, shall remain there, till it shall be otherwise settled with his Imperial majesty and the Empire. And as the barrier which has been this day agreed to in the principal treaty, for the mutual guaranty between her British majesty and the Lords the States General, cannot give to the United Provinces the security for which it is established, unless it be well and closely formed from one end to the other, and that the communication thereof be well joined together; towards which the upper quarter of *Guelder*, and the garrisons in the citadel of Liege, Huy, and Bonne, are absolutely necessary; experience having thrice shewn, that France having a design to attack the United Provinces, has made use of the places abovementioned, in order to come at them, and to penetrate into the said provinces. That farther, in respect to the equivalent for which the upper quarter of *Guelder* is to be yielded to the United Provinces, according to the 52d article of the treaty of Munster abovementioned, his majesty king Charles III. will be much more gratified, and receive greater advantages in other places, than that equivalent can amount to. Wherefore, that the Lords the States General may have the entire property and sovereignty of the upper quarter of *Guelder*, and that the said upper quarter of *Guelder* may be yielded in this manner to the said Lords the States General, in the convention or treaty that they are to make with his majesty king Charles III. according to the 13th article of the treaty concluded this day; as also that their garrisons in the citadel of Liege, in that of Huy, and in Bonne, may remain there, until it be otherwise settled with his Imperial majesty and the Empire, her majesty the queen of Great Britain engages and promises by this separate article, which shall have the same force as if it was inserted in the principal treaty, to make the same efforts

efforts for this, as she has engaged to make for procuring to them the barrier in the Spanish Low Countries.

II. Whereas the Lords the States General have represented, that in Flanders, the limits between Spanish Flanders and that of the States, are settled in such manner, as that the land belonging to the States is extremely streightened; so that on some places, the territory of Spanish Flanders reaches to the fortifications, and under the cannon of the places, towns, and forts of the States, which occasions many inconveniencies, whereof an example has been seen a little before the beginning of the present war, when a fort was going to be built under the cannon of the Sâs de Gand, on pretence, that it was upon the territory of Spain: and as, for avoiding these and other inconveniencies, it is necessary, that the land of the States, on the confines of Flanders, should be enlarged, and that thereby the places, towns and forts, should be better covered, her Britannick majesty, entering into the just motives of the said Lords the States General in this respect, promises and engages, by this separate article, that in the convention that the said Lords the States General are to make with his majesty king Charles III. she will assist them in having it agreed, that by yielding to the said Lords the States General, the property of an extent of land necessary to obviate such like and other inconveniencies, their limits in Flanders may be enlarged more conveniently for their security, and those of the Spanish Flanders removed farther from their towns, places and forts, to the end that the same may not be so exposed for the future.

(L. S.) *TOWNSHEND.*

(L. S.) *J. V. WELDEREN.*

(L. S.) *F. B. van REEDE.*

(L. S.) *A. HEINSIUS.*

(L. S.) *G. HOEUFT.*

(L. S.) *H. SMINIA.*

(L. S.) *E. V. ITTERSUM.*

(L. S.) *W. WICHERS.*

The treaty of guaranty for the protestant succession to the crown of Great Britain, and the barrier of the States General, concluded at Utrecht, January 29, 1713, between the queen of Great Britain, and the States General of the United Netherlands.

WHEREAS, in the treaty which was concluded the 29th of October, 1709, between the most serene and potent princess Anne, queen of Great Britain, France, and Ireland, defender of the faith, &c. and the high and mighty Lords the States General of the United Netherlands, about the succession to the crown of Great Britain, and the barrier of the United Provinces, several articles and clauses are contained, which require a more ample explanation, and which, without some equitable amendments, are already prejudicial, and may hereafter prove dangerous to the welfare and interest of her said royal majesty's subjects; and there are also others, which since the making of the said treaty, are become neither necessary nor convenient: and whereas it was provided in the 17th article of the said treaty, that a certain agreement should be made separately about the conditions on which her said royal majesty, and the Lords the States General, should promise and engage to furnish each other with the necessary aids for the mutual performance of the suretships, commonly called guaranty, which said agreement was never yet made; her said royal majesty of Great Britain, and the Lords the States General of the United Netherlands, seriously considering how much it concerns them, that nothing should remain imperfect or obscure, in a treaty which is of such great importance to both nations, and that no article which may seem grievous to the subjects of either party, ought to be inserted in a treaty, whose end and purpose was to make the bonds of friendship stronger on both sides, and to make better and more effectual provision for their mutual security, have thought fit to make a new treaty, to be added to the other treaties and leagues which now subsist betwixt them; and have agreed on the following articles.

I. The

I. The treaty, commonly called of succession and barrier, which was concluded at the Hague on the 29th of October, 1709, between the serene queen of Great Britain, and the lords the states-general of the United Netherlands, together with two separate articles, signed the same day, is to be from henceforwards of no force or virtue; and the said treaty, with the two articles before-mentioned, are hereby rescinded and declared void, in the same manner as if they had never been concluded or ratified. But all other treaties of peace, friendship, union and confederacy, concluded between her said royal majesty and the lords the states-general, are hereby approved and confirmed, and are to have as much force and authority as if they were inserted in this present treaty.

II. Whereas it was enacted and declared by a certain law made in the parliament of England, in the 12th year of the reign of the late most serene king William III. the title of which is, "An act for the further limitation of the crown, and the better securing the rights and liberties of the subject, &c." That after the decease of the said king, and the present queen, who was then stiled princess Anne of Denmark, and upon failure of issue of the said king or queen, that the crown and royal government of England, France and Ireland, with the dominions thereunto belonging, should descend and belong to the most excellent princess Sophia, electress and duchess dowager of Hanover, and to her heirs, being protestants.

And whereas it has since that time been enacted in several parliaments both of England and Scotland, that the succession to the monarchy of the united kingdom of Great Britain, and the dominions thereunto belonging, should, after the death of the said most serene queen, and on failure of issue of her, descend and belong to the most excellent princess Sophia, and her protestant heirs; and that all papists, and those of either sex who marry with papists, shall be excluded from the crown of Great Britain, and the dominions thereunto belonging, and be for ever rendered incapable to inherit, possess, or enjoy the same: which said provision concerning the said succession, settled by divers acts of parliament, was afterwards established and confirmed by a certain law made
in

in the parliament of Great Britain, in the 6th year of the reign of her present majesty, entitled, "An act for the greater security of her majesty's person and government, and of the succession to the crown of Great Britain in the protestant line, &c." And whereas no foreign power, nor any person whatsoever, has a right of calling in question any provision made by a parliament of Great Britain, or of opposing the same, as concerning the devolution, limitation, or inheritance of the crown, of the same kingdom: if nevertheless it should happen, that any foreign power or state, or person or persons whatsoever, under any pretence whatsoever, directly or indirectly, by open war or conspiracy, or treasonable violence, should endeavour to oppose the right of succession of the heirs of her royal majesty after her death; or, for want of such heirs, the rights of succession of the said most excellent princess Sophia, or any of her heirs, to whom the said succession shall then belong, according to the laws and statutes of Great Britain; the lords the states-general of the United Provinces of the Netherlands do promise and engage, at any time whatsoever, during the life of the most serene queen above-mentioned, to assist her to defend the right of succession to the royal crown of Great Britain, as by the laws and statutes of the same kingdom 'tis settled and limited, and after the decease of the aforesaid most serene queen, to assist her heirs, or for want of them, the abovementioned princess Sophia, or such of her heirs to whom, as is aforesaid, the succession of the royal crown of Great Britain, after the decease of the most serene queen now reigning, shall lawfully belong, that they may obtain and keep the possession of the same; and to oppose any person whatsoever, who shall endeavour to obstruct the possession and keeping of the crown aforesaid; according to such request, and at such times, and in such manner, and with such proportion of forces by land and sea, as by the 14th article of this treaty is more plainly expressed.

III. Whereas, by the 5th article of the alliance concluded at the Hague, the 7th of September, 1701, between the most serene emperor, the most serene king of Great Britain, William III. of glorious memory, and the lords the states-general of the United Provinces of the Netherlands,

lands, it was stipulated and agreed, that the said allies should employ all their forces to recover the provinces of the Spanish low-countries, that they may serve as a barrier and separation between France and the United Provinces, and the security to the states-general, as they did heretofore, till the most christian king invaded and took possession of the same with his armies; it is now stipulated and agreed, that her majesty the queen of Great Britain shall use all her efforts and endeavours in the ensuing treaty of peace, not only that the provinces of the Spanish low-countries, but also what other towns and places will be found necessary, whether conquered or not conquered, may serve to form the barrier of the states-general.

IV. To this end therefore it is stipulated and agreed, That the lords the states-general may put and keep garrison, augment and diminish the same, as they shall judge proper, in the places following; namely, Furnes, Fort Knocke, Ipres, Menin, the town and citadel of Tournay, Mons, Charleroy, the town and castle of Namur, the castle of Gand, the forts la Perle, Philippe and Damme, the fort St Donat being joined to the fortifications of Sluice, and yielded in property to the states-general. And that the fort Rodenhuyfen, on this side Gand, shall be demolished.

V. In case the said states-general be actually in war against France, or in manifest danger of being attacked by France, they may put as many troops as they shall think necessary into those towns, places, and forts of the Spanish low-countries, as the usage of war, and necessity shall require.

VI. They may likewise send into the towns, places, and forts, where they should have their garrisons, without any hindrance, and without paying any duties or customs, provisions, warlike ammunitions, arms, artillery, materials for the fortifications, and, in short, all that may be convenient and necessary.

VII. The said lords the states-general may also put in the towns, places, and forts mentioned in the 4th article, where they shall have garrisons, such governors and commanders, majors, and other officers, as they shall think fit, who shall not be subject to any other orders, relating

to the security and military government of the said places, but only to those of the states-general, exclusive of all others: yet without prejudice to the rights and privileges, as well ecclesiastical as political, of the most serene emperor Charles VI.

VIII. Moreover, the said lords the states-general may fortify the said towns and places, and the forts thereunto belonging, and repair the fortifications thereof, in such manner as they shall think necessary; and farther, they may do whatever shall appear to be useful for their defence.

IX. Now whereas it is agreed, That the sovereignty of the provinces of the Spanish low-countries, both of those that were possessed by the late Charles II. king of Spain, at the time of his death, and of those that were not come into his possession, and which might be yielded by France, in the future treaty of peace, belongs in property to his Imperial Majesty; it is therefore necessary that there be an agreement and stipulation, and accordingly it is agreed and stipulated, that all the revenues, besides those that be necessary for the support of the civil government of the towns, places, castles, and their dependencies, which by virtue of this treaty are to become part of the barrier, and which did by no means belong to the late Charles II. king of Spain, at the time of his death, shall for the future belong to the lords the states-general, and they shall levy the same for the use and maintenance of their garrisons, and for providing for the fortifications and magazines, and other necessary expences: but with this express condition, That neither by virtue of this article, nor under any other pretence, the states-general may never assume to themselves the authority to lay new taxes or duties in the places above-mentioned, or to raise or diminish the old. Moreover, it is agreed and stipulated, upon the same condition, and no otherwise, That towards the expences before-mentioned, a million of florins yearly, or one hundred thousand crowns every three months, be paid to the lords the states-general, out of the clearest and most certain revenues of the provinces of the Spanish low-countries, which the late king of Spain was in possession of at the time of his death.

X. No town, place, fort, or territory of the Spanish low-countries shall be yielded, transferred, given, or descend to the crown of France, or to any one of the French line, whether by virtue of any gifts, sale, exchange, marriage-agreement, inheritance, succession by will or without will; nor by any title, or in any other manner whatsoever, shall any of the said provinces be put into the power, or under the authority of the most christian king, or of any one of the French line.

XI. And whereas by the ninth article of the alliance above-mentioned, concluded the 7th of September, 1701, it was agreed, That when a treaty of peace should be made, the allies should, among other things, agree among themselves, in what manner the lords the states-general should be put in a condition of safety, by means of the said barrier; her majesty the queen of Great Britain, in pursuance of the said agreement, promises, That she will use all her endeavours, to engage his Imperial Majesty to enter with the lords the states-general into a treaty, agreeable to all that has been above stipulated relating to the barrier: and her said majesty promises also, that she will continue her good offices till the aforesaid convention be concluded, and that she will guaranty the said treaty when made.

XII. Whereas the supreme authority in the provinces of the Spanish low-countries, since they happened to be recovered from the enemy, was put in the hands of her majesty the queen of Great Britain, and of the lords the states-general; and whereas most of the towns, places, and forts thereunto belonging are garrisoned by the troops of her said majesty, and of the lords the states-general; it is now stipulated and agreed, That neither the government of the provinces above-mentioned shall be changed, nor the garrisons drawn out of any of the said towns, places, or forts, until the commerce and concerns of the subjects of Great Britain be adjusted to her majesty's satisfaction, and until the affairs and interests of the subjects of the United Provinces of the Netherlands be regulated according to the intention of their high mightinesses the states-general, and the barrier of the lords the states-general be settled and secured in the manner above-mentioned.

XIII. And

XIII. And whereas experience has shewn, That it is highly necessary to obviate not only any obstruction, interruption, or any other grievance that may befall the commerce of Great Britain, from the lords the states-general being allowed the right to garrison so many places that are seated on rivers and canals, and other parts of the provinces of the Spanish low-countries, but also to prevent all frauds and collusions that may be set on foot through abuse (or under colour) of the privilege or immunity granted to them by the 6th article of this present treaty; it is agreed and stipulated, That the subjects of the most serene queen of Great Britain shall, for the future, both in time of war, and in time of peace, enjoy the same privileges, immunities, franchises, and all manner of advantages, in relation to trade, as well for importation as exportation, which they ever enjoyed heretofore, in all the places and towns of the provinces of the Spanish low-countries, and of the barrier that is to be yielded to the said states-general; and moreover, that they shall enjoy all the privileges, immunities, franchises, and advantages, which either have already been granted, or in any time to come shall be granted, to the subjects of the states-general in the provinces of the Spanish low-countries, and of the barrier: in such a manner that no officer, civil or military, shall ever be suffered to hinder, or delay the free passage of the merchandizes belonging to the said subjects of Great Britain. And the said states-general promise and engage, That, as far as it shall lie in their power, they shall cause severe punishments to be inflicted on him or them, who shall be convicted of having, in any manner, acted contrary to the meaning and intent of this article. Moreover, the said states-general promise and engage, That they will give strict and effectual orders, and cause the same to be carefully observed, That, under colour or pretence of conveying, or bringing in provisions, warlike stores, and other things mentioned in the 5th article of this treaty, no frauds be committed as to the duties and customs laid on wares and merchandize; which wares and merchandize shall not be laden or transported in the same vessels, boats, or other carriages, together with the said provisions, and warlike stores. And to the end that such particular rules and

and conditions may be settled, as may be necessary for the better and more effectual performance of this general article, it is moreover hereby agreed, That commissioners be named on each side, who, within the space of 15 days from the signing of the present treaty, shall meet to settle and adjust between themselves, and with the commissioners of his Imperial Majesty, if he pleases to name any on his part, all things relating to the traffick and commerce that shall be made in the Spanish low-countries, and in the places belonging to the barrier, according to the true sense and clearest meaning of this article.

XIV. And to the end that the surety ships or guaranties mutually undertaken by virtue of this treaty, may be the better and the more certainly executed, it is stipulated and agreed, That the most serene queen of Great Britain, and her heirs or successors, shall, at the request of the lords the states-general, and not otherwise, furnish the succours hereafter expressed, to make good the guaranty of the barrier; and in like manner the lords the states-general shall, at the request of her royal majesty, or (after her decease) of the next heir born of her body, or (on failure thereof) of the next protestant heir who shall at that time have a title to the crown by virtue of the acts and statutes of Great Britain, and not otherwise, furnish the succours hereafter mentioned to make good the guaranty concerning the succession to the crown of Great Britain. And it is further stipulated and agreed, that in case either of the parties contracting shall be required in the manner aforesaid, the succours which are to be furnished, shall be sent according to the following proportions: namely, the most serene queen of Great Britain, her heirs and successors, shall send 10000 foot to the assistance of the lords the states-general, and on the other hand, the lords the states-general shall send to the assistance of her royal majesty, her heirs and successors, 6000 foot, well provided with arms, under such generals, and other officers, and distributed into such regiments and companies as shall seem good to her royal majesty, her heirs and successors, if she or they shall send such succours; and as the lords the states-general shall think fit, if the succours shall be sent by them. Each party shall also be obliged to fit

fit out 20 men of war well equipped, and provided with all necessaries. And the succours aforesaid shall be maintained at the expence of the party that shall send them, for the use and behoof of the party who shall have requested them. But if it shall happen that the danger be so sudden, that there should be no time left for any friendly applications, and so great as to require a greater number of forces and ships of war, then each party shall be obliged, being required by the other to augment their succours, to declare war against the aggressor, and to join all their forces by land and sea with the forces of the party attacked.

XV. Moreover it is agreed, That all kings, princes, and states, that desire to come into this treaty, may be invited and admitted thereunto; provided the said invitation and admission proceed jointly, and not separately, from the most serene queen of Great Britain, and the lords the states-general.

XVI. Her majesty the queen of Great Britain, and the lords the states-general, have confirmed and ratified all that is contained, generally and particularly, in this treaty.

Done at Utrecht, January 29th, 1713.

In witness whereof, the underwritten plenipotentiaries having exchanged reciprocally their full powers, have signed this treaty, and put their seals thereto the $\frac{1}{2}$ of January, 17 $\frac{1}{3}$.

(L. S.) *J. Bristol.*

(L. S.) *Strafford.*

(L. S.) *J. W. Randwyk.*

(L. S.) *G. Buys.*

(L. S.) *B. V. Duffen.*

(L. S.) *F. A. Baron de Rhede Renswoude.*

(L. S.) *S. V. Goslinga.*

(L. S.) *Count de Kniphuysen.*

The RATIFICATION.

WE have seen and considered the aforesaid treaty, have approved and ratified, as we do by these presents, for us, our heirs and successors, approve and ratify the

the same; engaging our royal word, and promising to execute and observe sincerely and faithfully all that is contained in the said treaty; and never to suffer (so far as in us lies) any person whatsoever to violate the same, or in any manner to act contrary thereto. In witness whereof, we have signed these presents with our royal hand, and caused our great seal of Great Britain to be affixed to the same. Given at our palace of St. James, the 2d of Feb. 1712-13, in the eleventh year of our reign.

ANNE R.

A Declaration and Engagement concerning the Rights and Privileges of the British Merchants in the Kingdom of Sicily, made at Utrecht the 8th of March, N. S. 1712-13.

WHEREAS by several treaties of peace, alliance, commerce and navigation, formerly made between the kingdoms of Great Britain and Spain, and at this time subsisting, but more particularly by the treaty concluded at Madrid, the $\frac{13}{13}$ of May, in the year 1667, and the cédalus annexed thereunto, provision was made for the freedom, security, and perfect ease of the commerce of the British subjects trading in the kingdoms and provinces of Spain; the observance and usage of which treaties have been hitherto received in the kingdom of Sicily, in the same manner as in any other the dominions of Spain, and have remained there in full force, except some variations which have been introduced in the course of time; for the rectifying whereof, according to the rule of those treaties, Great Britain has justly insisted hitherto.

Wherefore on occasion of transferring the kingdom of Sicily to his royal highness the duke of Savoy, her sacred majesty of Great Britain being watchful to preserve the rights and privileges of her subjects trading in the said kingdom, and being likewise willing to preserve to the Sicilians the privileges they have in Great Britain, which are so very dear to the most serene the duke of Savoy, hath been graciously pleased to give instructions to her underwritten ministers plenipotentiaries to agree with the

ministers plenipotentiaries of his royal highness of Savoy about making declarations mutually upon this subject. In pursuance thereof the said ministers plenipotentiaries of his royal highness, in the name of their most serene master, do most solemnly declare and promise, that during the reign of the aforesaid most serene duke in Sicily, as likewise of his heirs and successors, the British merchants are henceforward to have, and shall effectually have, use, and enjoy all those rights, privileges, liberties and entire security, as to their persons, goods, ships, seamen, trade and navigation in the said kingdom of Sicily, which by virtue of the treaties made between Great Britain and Spain they have hitherto enjoyed, or ought to enjoy: and to that end that all abuses which deviate from the tenor of the said treaties shall be forthwith removed, and the rights and privileges acquired to the British subjects, by virtue of the aforesaid treaties, shall not on any occasion, or under any pretence, ever be violated or lessened. And if hitherto any more favourable privileges have been granted, or shall hereafter be granted, to the merchants of any other foreign nation, any way relating to the persons of the traders, their ships, goods, duties, or the business of merchandizing, the British merchants shall likewise in all respects, and in the fullest manner, enjoy the same.

And in like manner, the ministers plenipotentiaries of Great Britain do, in the name of her majesty, confirm that the Sicilians shall hereafter enjoy the same privileges and liberties which they have hitherto enjoyed, or ought to have enjoyed, as subjects of the king of Spain, by virtue of the aforesaid treaty of the year 1667.

The ratifications of this present declaration and engagement made in due form shall be exchanged at Utrecht, within six weeks, or sooner, if possible. In witness and confirmation whereof, the aforesaid ministers plenipotentiaries of her majesty of Great Britain, and of his royal highness of Savoy, have signed this present instrument with their own hands, and put their seals thereunto, at Utrecht,

25 Febr. O.S.
8 March, N.S. 1713.

(L. S.) JOHN BRISTOL, C.P.S.

(L. S.) STRAFFORD.

(L. S.) The Count de MAFFEI.

(L. S.) M. de BOVRG.

(L. S.) P. MELLAREDE.

The ASSIENTO, or CONTRACT for allowing to the Subjects of Great Britain the Liberty of importing Negroes into the Spanish America. Signed by the Catholick King at Madrid, the 26th Day of March, 1713. Reprinted from the Copy published by the Queen's Authority.

The ASSIENTO adjusted between their Britannick and Catholick Majesties, for the English Company's obliging itself to supply the Spanish West-Indies with Black Slaves, for the Term of 30 Years, to commence on the 1st Day of May of this present Year 1713, and to end on the like Day in the Year 1743.

The K I N G.

WHEREAS the assiento agreed on with the royal Guinea company, settled in France, for the introducing of Negro Slaves into the Indies, is determined, and the queen of Great Britain being desirous of coming into this commerce, and in her name the English company, as is stipulated in the preliminaries of the peace, and that this assiento should continue for the time and space of 30 years; Don Manuel Menaffes Gilligan, deputed by her majesty of Great Britain, did, in pursuance thereof, put into my hands a draught, made for that purpose, containing 42 articles, for the regulating this contract; which I referred to the consideration of a junta of three ministers of my council of the Indies, that upon perusal thereof, they might report to me what should occur to them upon each article or condition. Which being done, and several points remaining upon this examination undetermined and controverted, I referred it back to another junta; and being fully informed of the whole

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matter,

matter, notwithstanding the objections made by both junta's, it being my intention to conclude and finish this assiento, with all possible condescension and complacency towards the queen of Great Britain, I have thought fit, by my royal decree of the 12th of this present month, to admit and approve of the said 42 articles, contained in the forementioned draught, in the manner hereafter specified, with the enlargement, which over and above I have of my own free will resolved to grant to the said company by my said decree. All which is in the manner following :

I. First then to procure, by this means, a mutual and reciprocal advantage to the sovereigns and subjects of both crowns, her British majesty does offer and undertake for the persons, whom she shall name and appoint, That they shall oblige and charge themselves with the bringing into the West-Indies of America, belonging to his catholick majesty, in the space of the said 30 years, to commence on the 1st day of May, 1713, and determine on the like day, which will be in the year 1743, viz. 144000 negroes, *Piezas de India*, of both sexes, and of all ages, at the rate of 4800 negroes, *Piezas de India*, in each of the said 30 years, with this condition, That the persons who shall go to the West-Indies to take care of the concerns of the assiento, shall avoid giving any offence, for in such case they shall be prosecuted and punished in the same manner, as they would have been in Spain, if the like misdemeanors had been committed there.

II. That for each negro, *Pieza de India*, of the regular standard of seven quarters, not being old or defective, according to what has been practised and established hitherto in the Indies, the assientists shall pay 33 pieces of eight (*Escudos*) and one third of a piece of eight, in which sum shall be accounted to be, and shall be comprehended, all and all manner of duties of Alcavala, Siza, Union de Armas, Boqueron, or any other duty whatsoever, of importation or Regalia, that now are, or hereafter shall be imposed, belonging to his catholick majesty, so that nothing more shall be demanded; and if any should be taken by the governors, royal officers, or other ministers, they shall be made good to the assientists, on account of the duties

duties which they are to pay to his Catholick Majesty, of 33½ pieces of eight, as aforesaid, the same being made appear by an authentick certificate, which shall not be denied by any publick notary, thereunto required on the part of the Affientists; for which purpose a general order (*cedula*) shall be issued in the most ample form.

III. That the said Affientists shall advance to his Catholick Majesty, to supply the urgent occasions of the crown, two hundred thousand pieces of eight (*escudos*) in two even payments of one hundred thousand pieces of eight each, the first to be made two months after his majesty shall have approved and signed this Affiento; and the second at the end of two other months next after the first payment; which sum so advanced, is not to be reimbursed before the end of the first twenty years of this Affiento, and then it may be deducted by equal portions in the ten last remaining years, after the rate of twenty thousand pieces of eight yearly, out of the produce of the duty upon negroes, which they are to pay in those years.

IV. That the Affientists shall be obliged to pay the aforesaid advance of two hundred thousand pieces of eight, in this court; as also from six months to six months, the half of the amount of the duties payable for the *Piezas* of slaves, which they have agreed to import yearly.

V. That the payments of the said duties shall be made in the manner mentioned in the foregoing article, without any delay or dispute, or without putting any other interpretation upon it; yet, with this declaration, that the Affientists shall not be obliged to pay the duties for more than four thousand negroes (*Piezas de India*) yearly, and not for the remaining eight hundred, the duties payable for these last, during the whole thirty years of this Affiento, being to be, as they are hereby given and granted to them the said Affientists, by his majesty, in the best form and manner possible, in consideration of the risques and interest that ought to be made good to the Affientists, for the money advanced, and payment in this court of the duties for the said four thousand *piezas*.

VI. That the said Affientists, after they shall have imported the four thousand eight hundred negroes yearly, according to their contract, if they find it necessary for his

Catholick Majesty's service, and that of his subjects, to import a greater number, they shall have liberty to do it, during the first twenty five years of this contract; (for as much as in the five last years they shall import no more than the four thousand eight hundred agreed upon) with condition, that they shall pay no more than sixteen pieces of eight, and two thirds of a piece of eight, for all duties on each negro, *Pieza de India*, which they shall, import, over and above the said four thousand eight hundred, that being the half of thirty three pieces of eight, and one third abovementioned; and this payment also shall be made in this court.

VII. That the said Assientists shall be at liberty to employ, in this commerce for the carrying of their cargoes, her majesty of Great Britain's own ships, or those of her subjects, or any belonging to his catholick majesty's subjects, (paying them their freight, and with the consent of their owners) navigated with English or Spanish mariners, at their choice, care being taken that neither the commanders of those ships employed by the Assientists, nor the mariners do give any offence, or cause any scandal to the exercise of the roman catholick religion, under the penalties; and pursuant to the regulations established by the first article of this Assiento. And also it shall be lawful for the said Assientists, and they shall have power to introduce their black slaves contracted for, into all the ports of the north sea, and of Buenos Ayres, in any of the aforementioned ships, in like manner, as has been granted to any former Assientists; however always with this assurance, that neither the commanders nor seamen shall occasion any scandal to the roman catholick religion, under the penalties already mentioned.

VIII. That whereas, experience has shewn it to be very prejudicial to the interest of his Catholick Majesty, and his subjects, that it hath not been lawful for the Assientists, to transport their negroes into all the ports of India in general, (it being certain that the provinces which have not had them, endured great hardships for want of having their lands and estates cultivated, from whence arose the necessity of using all imaginable ways of getting them, even though it were fraudulently) it is made an express condition

tion of this contract, that the said Assientists may import and vend the said negroes in all the ports of the north sea, and that of Buenos Ayres at their choice, (his catholick majesty revoking, as he does revoke, the prohibition contained in other former Assiento's, to import them into any other ports, than those therein mentioned) with this restriction, that the said Assientists may not import, or land any negro, except in those ports where there are royal officers, or their deputies, who may search the ships and their cargoes, and certify the number of negroes that are imported. And it is provided at the same time, that the negroes which are carried to the ports of the windward coast Santa Martha Cumana, and *Maracaybo*, shall not be sold by the said Assientists, for more than after the rate of three hundred pieces of eight each, and for as much less as is possible, to encourage the inhabitants of those places to buy them; but as to the other ports of New Spain, its islands, and Terra Firma, it shall be lawful for the said Assientists to sell them at the best prices they shall be able to get.

IX. That the said Assientists being allowed, for the reasons mentioned in the foregoing article, to import their negroes into all the ports of the north sea, it is also agreed, that they shall have power to do it in the river of Plata, his Catholick Majesty allowing them out of the four thousand eight hundred negroes, which, pursuant to this Assiento, they are to import yearly, (in consideration of the advantages and benefits that will thereby accrue to the neighbouring provinces) to bring into the said river of Plata, or Buenos Ayres, in each of the said thirty years of this Assiento, to the number of one thousand and two hundred of those *Piezas de India* of both sexes, to sell them there at such prices as they shall be able, shipping the same in four vessels, large enough to carry them; eight hundred of them to be disposed of at Buenos Ayres, and the remaining four hundred may be carried into, and serve for the provinces above, and kingdom of Chili, selling them to the inhabitants, if they will come to buy them in the said port of Buenos Ayres; it being hereby declared, that her Britannick majesty, and the Assientists in her name, may hold in the said river of Plata some

parcels of land, which his Catholick Majesty shall appoint or assign, pursuant to what is stipulated in the preliminaries of the peace, from the time of the commencing of this Affiento, sufficient to plant, to cultivate, and breed cattle therein, for the subsistence of the persons belonging to the Affiento, and their negroes; they shall be allowed to build houses there of timber, and not of any other materials, and they shall not throw up the earth, nor make any the least (or slightest) fortification: and his Catholick Majesty shall also appoint an officer to his satisfaction, one of his own subjects, who shall reside upon the aforementioned lands, under whose command are to be all such things as relate to the said lands; and all other matters that concern the Affiento, shall be under that of the governor and royal officers of Buenos Ayres, and the Affientists shall not, on account of the said lands, be obliged to pay any duties during the time of the said Affiento, and no longer.

X. In order to the carrying and introducing of black slaves into the provinces of the South-Sea, liberty is to be granted, as it is hereby granted to the Affientists, to freight either at Panama, or in any other dock or port of the South-Sea, ships or frigates of about four hundred tons, little more or less, on board which they may ship them at Panama, and carry them to all the other ports of Peru, and no others on that side, and to man those ships with such seamen, and appoint such officers, both military and for sea, as they shall think fit, and may bring back the produce of the sale thereof to the said port of Panama, as well in fruits of the country, as in money, bars of silver, or ingots of gold, and so as they may not be obliged to pay any duties for the silver or gold, which they shall bring either upon importation or exportation, it being stamped, and without fraud, and appearing to be the produce of the negroes, for that the same is to be free of all sorts of duties, in the same manner as if the said money, bars of silver, and ingots of gold, belonged to his catholick majesty: and likewise leave is granted to the said Affientists, to send from Europe to Porto Bello, and from Porto Bello to Panama, by the river Chagre, or by land-carriage, cables, sails, iron, timber, and likewise all other stores and provisions, necessary for the said ships, frigates, or
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barcoluengo's, and for the maintaining the same ; provided that they shall not be allowed to sell, or trade in the said stores, in the whole nor in part, under any pretence whatsoever ; for that in such case they shall be confiscated ; and as well the buyers as the sellers, shall be punished according to law, and the Assientists shall be, from that time forward, absolutely deprived of this privilege, unless it shall appear that they had obtained leave for the sale thereof from his Catholick Majesty. And it is farther provided, that when the term of this Assiento is ended, the said Assientists shall not be allowed to make use of the said ships, frigates or barks, to carry them to Europe, because of the inconveniencies that might ensue.

XI. The said Assientists may make use of English or Spaniards at their choice, for the management and direction of this Assiento, as well in the ports of America, as in the inland places, his Catholick Majesty dispensing for that end, with the laws which forbid strangers entering into, or inhabiting in that country ; declaring and commanding that the English, during the whole time of this Assiento, shall be regarded and treated as if they were subjects of the crown of Spain, with this restriction, that, there shall not reside in any one of the said ports of the Indies, more than four or six Englishmen ; out of which number the said Assientists may chuse such as they shall think fit, and shall have occasion to send up into the country, where negroes are allowed to be carried, for the management and recovery of their effects ; which they shall perform in the most convenient manner, and that which they shall think best, under the regulation mentioned in the 1st article ; without any hindrance or disturbance from any ministers civil or military, of what degree or quality soever, under any pretence, unless they can be charged with acting contrary to the established laws, or to the contents of this Assiento.

XII. That for the better management of this Assiento, his Catholick Majesty will be pleased to grant, that as soon as the peace is proclaimed, her Britannick Majesty may send two ships of war, with the said factors, officers, and others, who are to be employed in this service, giving first a list of the names, both of the one and the others, that

that are to go ashore in all the ports, where they shall be allowed to settle and regulate their factories, as well that they may go with the greater conveniency and security, as that they may provide all things necessary for the receiving the vessels that shall go with negroes, which being obliged to go to take the blacks in upon the coast of Africa, and thence transport them to the ports of the Spanish America, it would be very incommodious as well as unprofitable, for the factors and others employed, to go on board the ships made use of in those voyages, and yet it is indispensably necessary that houses be prepared beforehand for them to dwell in, and all other provisions made which they shall want; and for the transporting of the factors, and others, belonging to the company, to Buenos Ayres, a vessel of a middling burden shall be allowed; and it is hereby declared, that as well this vessel, as the two ships of war, are to be visited and searched in the several ports by the royal officers, who may seize their merchandize, if they carry any; and farther, the said ships shall be furnished with necessary provisions for their return, at a reasonable rate.

XIII. The said Assentists may nominate, in all the ports and chief places of America, judges conservators of this Assiento, whom they may remove and displace, and appoint others at pleasure, in the manner allowed to the Portuguese in the eighth article of their Assiento, provided always that they shew a justifiable cause for their so doing, before the president, governor, or audience of such district, which shall be by them respectively approved, so as this nomination may fall on some of his catholick majesty's ministers; which said judges are to have cognizance, exclusive of all others, of all causes, affairs and suits, relating to this Assiento, with full authority and jurisdiction: all audiences, ministers and tribunals, presidents, captains general, governors, corregidores, great alcaldes, and other judges and justices whatsoever, the viceroys of those kingdoms included, being forbidden to meddle therewith, forasmuch as the said judges conservators are alone to have the cognizance of these causes and their incidents, from whose sentences an appeal (in such cases as the law allows) shall lie to the supreme council of the Indies, with this

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condition, that the said judges conservators may not demand or pretend to greater salaries than those the Assientists shall think good to allow them for that service ; and if any of them exact any more, his Catholick Majesty will order it to be restored ; he will also grant that the president or governor of the said council for the time being, or the decano (eldest member) thereof, shall be protector of this Assiento ; and also that they may propose a minister of the same council, (whom they shall think most proper) to be their judge conservator, exclusive of all others, with his Catholick Majesty's approbation, in like manner as has been done in former Assiento's.

XIV. It shall not be lawful for the viceroys, audiences, presidents, captains general, governors, royal officers, or other tribunal or minister whatever, of his Catholick Majesty, to lay an embargo on, or detain the ships belonging to this Assiento, nor to hinder them in their voyages, under any pretence, or for any cause or motive whatever, even though it should be to fit them out for war, or upon any other design ; but, on the contrary, they shall be obliged to afford them all the favour, assistance and succour, that the said Assientists or their factors shall desire, for the more speedy fitting out, dispatching, and lading of their said ships ; and likewise the victuals, and all other things they shall stand in need of, for forwarding their voyages, at the current prices, with this warning, and under this penalty, that those who do otherwise, shall be obliged, at their own proper costs, to make good and satisfy all the damages and losses, which the Assientists may sustain by such impediment or detention.

XV. Neither shall the viceroys, presidents, captains general, governors, corregidores, great alcaldes, judges, and royal officers, or any other tribunal or officer whatsoever, take, seize, detain, or lay an embargo by violence, or in any other manner, under any pretence, or for any cause or motive whatsoever, (though never so urgent) on any of the stock, goods and effects, that are the produce of this Assiento, or belonging to the Assientists, under the penalty of being punished, and paying, out of their own estates, the damages and losses that shall accrue thereby : nor shall the said ministers search the houses or warehouses

houses of the factors or others belonging to this *Affiento*, who are to enjoy this privilege and exemption, to prevent the scandal and discredit that attend such proceedings; unless in case it shall have been proved that there has been some fraudulent and prohibited importation, and then they may be searched, with the assistance of the judge conservator, herein absolutely required, who shall take care to prevent pilferings and embezzlements, that use to happen by the great number of soldiers and officers, that croud to such places on those occasions; it being agreed, that if any such goods are found, they may be seized, but not the stock or effects of the *Affiento*, which are to continue free; and if the factors are concerned in such offences, an account thereof shall be given to the junta, that they may be punished.

XVI. That the said *Affientists*, their factors, and others belonging to them in the Indies, may employ in their service such mariners, carriers, and workmen, as they shall have occasion for, to load and unload their ships and vessels, upon a voluntary agreement made with them, and paying them such salaries and stipends as they shall have agreed for.

XVII. That the said *Affientists* shall have liberty to load, at their choice, the effects they may have in the Indies, upon the ships of the Flota or the Galeons, to bring them into Europe, agreeing for the freight with the captains and owners of the said ships, or upon the vessels belonging to the *Affiento*; which if they think it convenient, may come under convoy with the said Flotas and Galeons, or other ships of war belonging to his Catholick Majesty, who will be pleased to lay his express commands, both upon the one and the other of them, to admit and take them under their protection and safeguard, with this warning, that no sum whatever be demanded of them, by way of ordinary or extraordinary indulto, or for their coming in company with the said fleet or galeons; and that the effects which shall come in them, and shall appear, by an authentick writing, to belong to the *Affientists*, shall be free of all duties whatsoever, on their importation in Spain, seeing their stock is to be looked upon to have the same privilege as if it belonged to his Catholick Ma-

Majesty; and it is forbid, that the said ships belonging to the Assiento (which may come in company with the *flotas*) do bring on board them any Spanish passenger, or any effects of any subject of his Catholick Majesty.

XVIII. That from the 1st day of May of this present year 1713, till they shall have taken possession of this Assiento, nor after their taking such possession, it shall not be lawful for the French Guinea company, or any other person whatsoever, to introduce any negro slaves into India, and if they do, his Catholick Majesty will declare, as by this present article, he does declare, them to be confiscated and forfeited, in favour, and for the benefit of these Assientists, to whom they shall remain, they being obliged to pay the duties for the negroes thus imported contrary to this article, as are regulated and settled by this contract, for which purpose, so soon as it is signed, circular orders, in the most ample form, shall be dispatched to America, that there be not any negroes for the account of the French company admitted into any of the ports, to whose agent the same shall be notified; and that this may be the more effectual and advantageous to the royal revenue, it is agreed, that when the said Assientists shall have notice that any ship with negroes (not belonging to them) is come upon the coast, or entered into any port, they may fit out, arm, and send out immediately such vessels as they shall have of their own, or any others belonging to his Catholick Majesty, or his subjects, with whom they shall agree, to take, seize, and confiscate such ships and their negroes, of whatever nation or person they be, to whom the same shall belong; to which end the said Assientists, and their factors, shall have liberty to take cognizance of, and search all ships and vessels that shall come upon the coasts of India, or into its ports, in which they shall have reason to believe or suspect, that there are contraband negroes: provided always that for the making of such searches, visits, and other proceedings before-mentioned, they shall first have leave from the governors, to whom they shall communicate what occurs, and desire them to interpose their authority; provided that peace shall be proclaimed before any thing of this can be done, or this Assiento take place.

XIX. That

XIX. That the said Assientists, their factors and agents, shall have power to navigate and import their negro slaves, according to their contract, to all the northern ports of his Catholick Majesty's West-Indies, including the river of Plata, with prohibition to all others, whether subjects of the crown, or strangers, to carry and introduce thither any negroes, under the penalties established by the laws that relate to this contract of trade; and his Catholick Majesty obliges himself by his faith and royal word, to maintain the said Assientists, in the entire and full-possession and performance of all the articles thereof, during the time agreed on, without allowing or conniving at any thing that may be contrary to the punctual and exact fulfilling thereof, his majesty considering it as his own concern; with this condition, that they shall not import into the said river of Plata, or Buenos Ayres, more than the 1200 *Piezas de Negroes* allowed by the 8th article.

XX. That in case the said Assientists be molested in the execution and performance of this Assiento, and that their proceedings and rights be disturbed by way of suits at law, or in any other manner whatsoever, his Catholick Majesty declares that he will reserve to himself alone the cognizance thereof, and of all causes that may be moved thereupon, with an inhibition to all and whatsoever judges and justices to take to themselves the examination and cognizance of the said causes, or of the suits, omissions or defects that may happen in the performance of this Assiento.

XXI. That whenever the ships of the said Assientists, shall arrive in the ports of the Indies with their cargoes of negroes, the captains thereof shall be obliged to certify that there is not any contagious distemper amongst them, that the governor and royal officers may permit them to enter into the said ports, without which certificates, they shall not be admitted.

XXII. When the said ships shall have entered into any of the ports, they are to be visited by the governor and royal officers, and searched to the bottom, even to the ballast; and having landed their negroes in whole or in part, they may at the same time land the provisions, which they shall bring for their subsistence, laying them up in particular

particular houses or magazines, having obtained leave of the ministers who had searched the said ships; to avoid by these means all opportunities of fraud or controversy; but they shall not land, import, or vend any goods or merchandize under any pretence or motive whatsoever; and if there should be any on board the ships, they shall be seized, as if they were found on shore, excepting only the said negro slaves, and the magazines of provisions for their subsistence, under the penalty, that those who are guilty, shall be severely punished, and their merchandize and effects confiscated or burnt, and they shall be declared for ever incapable of having any employment in the said Assiento; and the officers and subjects of his Catholick Majesty who shall connive at the same, shall be severely punished also, all importation and trading in merchandize being absolutely forbidden and denied to the said Assientists, as being contrary to, and against the laws of these kingdoms, and the sincerity and good faith with which they ought to discharge the obligations they are under by this Assiento. And his majesty declares and ordains, that the merchandize which shall be so seized, as being fraudulently imported, shall be appraised and valued, and immediately burnt in some publick place, by order of the said governors and royal officers, and the captain or master of the said ship or vessel, shall be condemned to pay the price at which it was valued, though he should be guilty of no other fault, than of omission, in not taking care, that no such merchandize should have been put on board; but if they are accomplices, or delinquents, they shall be condemned to pay a forfeiture proportionable to their offence, severely punished, and declared incapable to hold thereafter any employment in the service of this Assiento: and his Catholick Majesty will require from all his ministers and officers, an exact and strict account of the performance of what is above-mentioned; and it is declared that the ships, on board which the negroes shall be, or any provisions brought for their subsistence, shall not be liable to the said forfeiture and confiscation, they being declared to remain free, as not being in fault; and the person or persons, who have charge of them, may go on with their traffick; and if the merchandize or goods seized

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do not exceed the value of 100 pieces of eight (*Escudos*) they shall be burnt without any remission (being first appraised) and the captain shall be condemned to pay the sum at which they were appraised, as a punishment for his neglect and omission, and if he does not pay down the value of what shall have been so seized, he shall be suspended and imprisoned till payment made; but if it be proved that he was not an accomplice, he shall be obliged to deliver up the person guilty, and in that case he shall be free.

XXIII. That the victuals and other provisions which shall be put on shore for the subsistence of the negroes, shall not pay any duties of importation or exportation, or any others whatever, that now are, or hereafter may be imposed; but if the Assientists buy or export them from the ports, then shall they be obliged to pay the duties established, in the same manner as his Catholick Majesty's subjects ought to do; and it is declared, That if, of the provisions that were laid up in the ware-houses, there should remain some, which could not be expended, and likely to perish, they may be sold, or carried to other ports to be disposed of, paying the duties there established; the whole, with the interposition and knowledge of the royal officers.

XXIV. That the duties upon the negroes imported, are to be due from the day of their landing in any of the ports of the Indies, after the search made, and all matters regulated by the royal officers; and it is declared, That if any of the said negroes die before they are sold, the Assientists shall not thereby be quit of the obligation of paying the duties for those that die, nor have any pretension to make upon that account; except only, that in case, upon making the searches, there be found any negroes dangerously ill, they may be landed for their recovery, and if these die within the space of 15 days, from the time of their being put on shore, the Assientists shall not be obliged to pay any duties, in regard they were not landed for sale, but in order to recover their health in the said 15 days; which being expired, if they shall be yet alive, then they shall become indebted for the duties for them, in

in like manner as for the rest, and shall pay them in this court, pursuant to what is agreed in the 5th article.

XXV. That after the Assientoists, or their factors, shall have settled the duties, and sold part of the loading of blacks, which they had brought to that port, they shall be allowed to carry the remainder to any other port, carrying certificates from the royal officers of having there accounted for the duties, that so the same may not be demanded of them again in any other port; and they may receive in payment for those they shall sell, money, bars of silver, and ingots of Gold, which shall have paid the king's Quinto without fraud, as also the produce of the country, which they may carry away, and embark freely, as well the money, bars of silver, and ingots of gold, as the other effects and fruits, as being the produce of the sale of the said negroes, without being obliged to pay any duties, except only those that shall be established in the places from whence those fruits and effects are brought, which they are allowed to receive in exchange, or for the value of their negroes, of whatever kind they be, upon sales made in this manner for want of money, which they may carry on board the vessels employed in this commerce, to such ports as they shall think fit, and sell them there, paying the accustomed duties.

XXVI. That the ships which shall be employed by this Assiento, may sail from the ports of Great Britain or Spain at the choice of the Assientoists, who shall give an account to his Catholick Majesty of what ships they shall dispatch yearly for the negro-trade, and the ports for which they are designed, and may return to either, with the money, bars of silver, gold, fruits and produce of the country, being the produce of the sale of their negroes, and they shall be under this obligation, that if the returns come into the ports of Spain, the captains and commanders shall give to his Catholick Majesty's ministers an authentick register, by which it may appear what they have on board; and if they come back to Great Britain, they shall send over an exact account of their lading, that his majesty may be fully informed thereof; with this warning, that they may not bring over, in any of the said ships, any silver, gold, or other effects, than what shall

be the produce of the sale of the negroes, nor any Spanish passengers, they being forbid to receive on board any merchandize or other effects, on account of his Catholick Majesty's subjects in those dominions, without an expresse licence first obtained from his Catholick Majesty; and they consent, that if the captains, commanders and officers, do bring any such on board, without such licence, they shall be declared guilty, and punished as having defrauded his majesty's customs, and transgressed against the contents of this article, and the orders which his majesty shall have been pleased to give for the execution thereof, and for the avoidings of such frauds in the ports of the Indies, so that the offenders, being convicted thereof, shall be constantly punished.

XXVII. If it should happen that the ships of this Affiento should be fitted out as ships of war, and should take any prizes from the enemies of either crown, or from the pirates that usually cruize and plunder in the seas of America, they may bring them into any port belonging to his Catholick Majesty, where they are to be admitted; and the said prizes being declared good and lawful; the captors shall not be obliged to pay greater duties, upon the entry of their prizes, than what are established and payable by the natural subjects of his majesty; and it is declared, that if there should be any negroes on board such prizes, they may sell them in part of the number they have engaged to furnish, as likewise the victuals and provisions that should be over and above what is needful for their subsistence; but this is not to extend to the merchandize and goods which they may take, the sale whereof is ever to remain prohibited: however such regard is had to their interests, that they are allowed to carry the said merchandize and goods so taken, to the ports of Carthagea or Porto Bello, and deliver them to the king's officers, who are to receive them, and make an inventory thereof, and lay them up in warehouses, in the presence of the captors, where they are to be kept till the arrival of the Galeons, and the time of holding the fairs in the said ports of Carthagea and Porto Bello; and then the king's officers are to take care that they be sold, with the interposition, and in the presence of the deputies of commerce,

merce, and the said captors, or their agents; for which purpose his Catholick Majesty is to give the necessary orders, as he does give them by this present article, and deducting a fourth part of the produce of the sale thereof, which is to belong to his Catholick Majesty, to be put into the royal coffers, and remitted to Spain, with a distinct account of the said produce, they are to deliver the three remaining parts of each prize, without the least delay to the captors, or their agents, deducting and retaining thereout all expences for their sale and warehouse-room, and satisfying at the same time that these prizes are sold, the accustomed duties payable for the same to the royal exchequer. And for the preventing all manner of doubt and cavil, his majesty declares, That the ships, ketches, and other vessels, (thus made prize of) of whatever sort they be, with their arms, guns, ammunition, and all the furniture and tackle on board them, shall belong to the captors.

XXVIII. That whereas in the establishing and adjusting this Affiento, a particular regard is had to the advantage that may thence accrue to their British and Catholick Majesties, and to their revenues, it is agreed and stipulated, That both their majesties shall be concerned for one half of this trade, each of them a quarter part, which is to belong to them pursuant to this agreement: and whereas it is necessary that his Catholick Majesty (in order to have and enjoy the benefit and gain that may be obtained by this trade) should advance to the said Affientists, one million of pieces of eight, (*Escudos*) or a quarter of the sum, which they shall judge necessary for the putting of this commerce into a good order and method, it is agreed and settled, That if his Catholick Majesty shall not think it convenient to advance the said sum, the aforementioned Affientists do offer to do it out of their own money, upon condition, that his Catholick Majesty shall make good the interest out of what they shall be accountable for, to him, after the rate of eight *per cent.* yearly, commencing from the respective days of their laying out the said money, and to continue till they are reimbursed and satisfied, according to the account that shall be presented to him, that his majesty may thus enjoy the profits that may accrue to him,

him, which they oblige themselves to from this time; but in case they do not make any profit by reason of accidents or misfortunes, and that instead thereof they suffer losses; his majesty will be obliged (as he does oblige himself from this time) to cause them to be reimbursed so far as he is concerned, according to justice, and in such way as may be least prejudicial to his royal revenues. And his Catholick Majesty is to name two directors or factors, who are to reside at London, two more in the Indies, and one at Cadiz, that they may be concerned on his part, (together with those of her Britannick Majesty, and those that shall be interested) in all the directions, purchases and accounts of this Assiento, to whom his Catholick Majesty is to give proper instructions by which to govern themselves, particularly to those in the Indies, for the better avoiding all impediments and disputes which may happen.

XXIX. That the said Assientists are to give an account of their profits and gain at the end of the first five years of this Assiento, with accounts taken upon oath, and certified by legal instruments, of the charge of the purchase, subsistence, transportation, and sale of the negroes, and all other expences upon their account; and also certificates in due form, of the produce of their sale in all the ports and parts of America, belonging to his Catholick Majesty, whither they shall have been imported and sold; which accounts, as well of the charge as the produce, are first to be examined and settled, by her Britannick Majesty's ministers employed in this service, in regard to the share she is to have in this Assiento, and then to be examined in like manner in this court; and his Catholick Majesty's share of the profits may be adjusted and recovered from the Assientists, who are to be obliged to pay the same most regularly and punctually, in pursuance of this article, which is to be of the same force and vigour as if it were a publick instrument, and under the regulation mentioned in the 28th article, concerning the factors which his Catholick Majesty is to appoint.

XXX. That if the amount of the gain made during the first five years, does exceed the sum which the Assientists are to advance, and shall advance for his Catholick Majesty, together with the interest of eight *per cent.* which

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is to be included and made good in the manner above-mentioned, the Assientists are to reimburse themselves in the first place, what they shall have advanced, with all the interest, and then to pay to his Catholick Majesty the remainder of the profit that shall come to his share, together with the duties upon negroes annually imported, without any delay or impediment; which practice is likewise to be observed and continued every five years successively, during the term of this Assiento; and at the end thereof an account shall be given of the gain made in the last five years, in the same manner as is mentioned in relation to the first five years; so that his Catholick Majesty, and his ministers, whom he shall employ in this affair, may remain fully satisfied, pursuant to what is mentioned in the 28th article, concerning the factors which his Catholick Majesty is to appoint.

XXXI. That whereas the said Assientists have offered by the 3d article of this contract, to advance 200000 pieces of eight in the manner therein expressed, they shall not be reimbursed the same, till the end of the first 20 years of this Assiento, as is mentioned in the said 3d article, nor shall they pretend to any allowance for the risque or interest of that sum; but if upon the account that is to be given by the Assientists, at the end of the first five years, they shall appear to be gainers, they may reimburse themselves the sum, (or part thereof) which they shall have advanced for the quarter part, wherein his Catholick Majesty is interested in this Assiento, as also the interest due to them on this account, pursuant to what is mentioned in the 28th article.

XXXII. That from and after the determination and fulfilling of this Assiento, his Catholick Majesty does grant to the Assientists the space of three years, to adjust their accounts, and gather in all their effects in the Indies, and make up a balance of the whole, during which term of three years, the said Assientists, their factors, agents, and others employed by them, shall enjoy the same privileges and immunities as are granted to them for the term of this contract, for the free entrance of their ships and vessels in all the ports of America, and exportation of such effects

as they may have there, without any alteration or restriction whatsoever.

XXXIII. That all the debtors to the Assientists shall be compelled and forced to pay their debts, by taking them and their goods in execution, these debts being considered upon the same foot as those due to his Catholick Majesty himself, who declares them as such, that they may be the more effectually recovered.

XXXIV. That it being requisite for the support and subsistence of the negroe slaves, who shall be set on shore in the ports of the West Indies, as likewise of all the persons employed in this commerce, to keep constantly magazines filled with cloathing, medicines, provisions, and other necessaries, in all the factories that shall be established, for the more easy and better management of this Assiento, as also with all naval stores, for the repairing of, and furnishing the ships and vessels employed in its service, the Assientists trust that his Catholick Majesty will please to allow them, from time to time, to bring from Europe or her Britannick Majesty's colonies in North America, directly to the ports and coasts of the Northern Sea of the Spanish West Indies, where there shall be royal officers, or their deputies, and likewise to the river of Plata or Buenos Ayres, cloathing, medicines, provisions, and naval stores, for the use only of the Assientists, their negroes, factors, servants, mariners, and ships; and they may import the same in small vessels, of about 150 tons, (and not in those wherein the negro slaves are carried) of which and their cargoes, they are, at the time of their departure, to send an account to the council of the Indies, and to lay before it a declaration of the factors, of what goods the loading consists, none of which shall be sold, under penalty of confiscation and severe punishment to be inflicted on the offenders, unless it be, in the case of an urgent necessity, for a Spanish ship, the captain whereof, in order to his return home, may be obliged to buy the same as he can agree with the factors.

XXXV. For the refreshing and preserving in health the negro slaves, which they shall import into the West Indies, after so long and painful voyage, and to prevent any contagious illness or distemper amongst them, the
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factores of this Asiento shall be allowed to hire such parcels of land as they shall think fit, in the neighbourhood of the places where the factories shall be established, in order to cultivate the said lands, and make plantations, in which they may raise fresh provisions for their relief and subsistence; which cultivating and improvement is to be performed by the inhabitants of the country, and the negroe slaves, and not by any others, nor may any ministers of his Catholick Majesty hinder them, provided they keep to this rule.

XXXVI. That leave shall be granted to the Asientists to send a ship of 300 tons to the Canary islands, and to carry from thence such fruits as are customarily taken on board there, for America, pursuant to what was allowed to Don Bernardo Francisco Marin by the 26th article of his Asiento, and by the 21st article of the Asiento of the Guinea company of Portugal, for one time only, during the continuance of this Asiento.

XXXVII. That orders shall be dispatched for the publication in all the ports of America, of an Indulto for the negroes unduly imported from the day that this Asiento is to take place, with free liberty to the factors to lay an Indulto on them at what time and price they shall think fit; and that the produce of this Indulto shall be applied to the benefit of the Asientists, who shall be obliged to pay to his Catholick Majesty the regular duties of 33 pieces of eight, and one third of a piece of eight, for each negro, at the time that the Indulto is laid.

XXXVIII. That for the better and more expeditious dispatch of this affair, his Majesty will be pleased to establish a junta of three ministers, such as he shall think most proper, who, with the assistance of the fiscal and secretary of the council of the Indies, shall hear and take cognizance, (exclusive of all others) of all matters and causes relating thereunto, during the time that is stipulated; and that the said junta shall lay before his majesty what shall occur to them, in the same manner as was practised for the French company.

XXXIX. That all the concessions in former Asientos to Don Domingo Grillo, the consulado of Seville, Don Nicolas Porcio, Don Bernardo Marin y Gusman, the

companies of Portugal, and France, not being contrary to the contents of this contract, shall be understood and declared to be in its favour, as if they were herein literally inserted; and that all the orders that have at any time been dispatched in favour of those fore-mentioned Assientoists, shall be granted to these, whenever they shall ask them, without any doubt or difficulty.

XL. That in case of a declaration of war (which God forbid) of the crown of Great Britain against that of Spain, or of Spain against Great Britain, this Assiento is to be suspended; however the Assientoists are to be suffered to remove with all security, (during the space of one year and an half, from the time of the declaration of such rupture) all their effects, and to bring them home freely in such of their ships as shall then happen to be in the ports of the Indies, or in those belonging to the Spaniards; with this condition, that if they should bring them to the ports of Spain, they may freely carry them away again, as if the Assiento was yet in force, it being first made to appear, that they are the produce of the negroe trade; and it is farther declared, That if it should happen that the crowns of Spain and England, or either of them, jointly or separately, shall enter upon a war with other nations, in such case the ships employed in this Assiento are to have passes and carry flags with different arms from what are usually borne by the English or Spaniards, such as his Catholick Majesty shall please to make choice of, the like to which are not to be granted to any other vessels than those belonging to this trade, which shall protect them from being molested or assaulted by the ships of such nations as shall be, or declare themselves enemies to the two crowns; in order to the securing of which, her Britannick Majesty will take upon her to solicit and obtain that in the ensuing general-treaty of peace, an express article may be inserted, that all the princes may take notice of it, and may be obliged to command their subjects to govern themselves accordingly, and to observe the same exactly and punctually.

XLI. That all the contents of this present contract, and the conditions therein inserted, as likewise all that shall be annexed thereunto, or depending thereon, shall

be fulfilled, and sincerely and punctually executed, so as it may not be obstructed by any pretence, cause, or motive whatsoever; for which purpose his majesty is to dispense, (as he does hereby dispense) with all laws, ordinances, proclamations, privileges, establishments, usages and customs, contrary hereunto, wherever the same may be subsisting in any of the ports, places, and provinces of America, belonging to his majesty, for the term of thirty years, during which this Assiento is to continue, and the three years farther, which are allowed to the Assientists, for the getting in their effects, and balancing their accounts, as has been already mentioned; which laws, &c. are, however, to continue in all their force and vigour, in all other cases that do not relate to this contract, and in all time coming, after the expiration of the thirty three years thereof.

XLII. And finally, his majesty grants to the said Assientists, their agents, factors, ministers, officers civil and military, as well at sea as at land, all the favours, freedoms, privileges and exemptions, that have ever been granted to any former Assientists, without any restriction or limitation, so far as they are not contrary to what is agreed and expressed in the foregoing articles; which the Assientists do likewise oblige themselves to accomplish and execute entirely and punctually.

ADDITIONAL ARTICLE.

BESIDES the foregoing articles stipulated on behalf of the English company, his Catholick Majesty, considering the losses which former Assientists have sustained, and upon this express condition, that the said company shall not carry on, nor attempt any unlawful trade, directly nor indirectly, under any pretence whatsoever; and to manifest to her Britannick majesty, how much he desires to pleasure her, and to confirm more and more a strict and good correspondence, has been pleased, by his royal decree of the 12th of March, in this present year, to allow to the company of this Assiento, a ship of five hundred tons yearly, during the thirty years of its continuance, to trade therewith to the Indies, in which his Catholick Majesty is to partake a fourth part of the gain, as in the Assiento;

fiento; besides which fourth, his Catholick Majesty is to receive five per cent. out of the neat gain of the other three parts which belong to England, upon this express condition, that they may not sell the goods and merchandizes, which each of those ships shall carry, but only at the time of the fair; and if any of these ships shall arrive in the Indies, before the flotas and galeons, the factors of the Asiento shall be obliged to land the goods and merchandize (with which they shall be laden) and put them into warehouses that shall be locked with two keys, one of which to remain with the royal officers, and the other with the factors of the company, to the end the said goods and merchandize may be sold during the continuance of the said fair only; and they are to be free of all duties in the Indies.

C O N C L U S I O N .

And whereas my will and pleasure is, that all that is contained in each of the articles and conditions (expressed in the above draught herein inserted) and that which is the last of all (being added thereto of my own free will) should have its full effect, I do by these presents approve and ratify the same, and command that it be observed, fulfilled and executed, literally, in the whole and throughout, according to the contents of it, and of every article thereof, and what is therein declared, and that nothing be done or acted, or be any ways suffered to be done or acted, contrary to the tenor and form thereof, dispensing (as I do for this time dispense) with all laws and prohibitions that may be contrary thereunto; and I promise and assure, upon my faith and royal word, that provided the company of England perform this contract on their part, so far as concerns them, and as they are obliged, I will perform it on my part: in witness whereof I have granted to the lord Lexington, her majesty of Great Britain's minister in this court, the present writing and acceptance of this contract, corresponding with its entire performance and validity; which, in pursuance of my royal command, has been made out by the register's office of the chamber of my council of the Indies, the 26th day of this present month and year; and I will, that for the execution of all that is mentioned in this Asiento, all the cédulas, dispatches and orders,

orders, required for the entire effect and fulfilling thereof, be issued in their proper time: and the comptrollers of accounts, who attend my said council, are to take notice of these presents. Given at Madrid the twenty sixth day of March, one thousand seven hundred and thirteen.

I THE KING.

By the command of our lord the king,

Don Bernardo Tinaguero de la Escalera.

Your majesty does hereby approve and ratify the Asiento adjusted with the company of England, for the importation of Negro Slaves into the Indies, for the term of thirty years, in the manner mentioned in the articles above-inserted.

Treaty of peace and friendship between the most serene and most potent princess Anne, by the grace of God, Queen of Great Britain, France, and Ireland, and the most serene and most potent prince Lewis XIV. the Most Christian King, concluded at Utrecht the $\frac{31}{11}$ day of ^{March}_{April} 1713.

Reprinted from the copy published by the Queen's special command.

I. **T**HAT there be an universal perpetual peace, and a true and sincere friendship, between the most serene and most potent princess Anne, queen of Great Britain, and the most serene and most potent prince Lewis XIV. the most Christian King, and their heirs and successors, as also the kingdoms, states, and subjects of both, as well without as within Europe; and that the same be so sincerely and inviolably preserved and cultivated, that the one do promote the interest, honour, and advantage of the other, and that a faithful neighbourhood on all sides, and a secure cultivating of peace and friendship, do daily flourish again and encrease.

II. That all enmities, hostilities, discords, and wars, between the said queen of Great Britain, and the said most Christian King, and their subjects, do cease and be abolished, so that on both sides they do wholly refrain and desist from all plundering, depredation, harm-doing, injuries,

ries, and annoyance whatsoever, as well by land, as by sea and fresh water, in all parts of the world, and chiefly through all tracts, dominions, and places, of what kind soever, of the kingdoms, countries, and territories of either side.

III. All offences, injuries, harms, and damages, which the aforesaid queen of Great Britain, and her subjects, or the aforesaid most Christian King, and his subjects, have suffered the one from the other, during this war, shall be buried in oblivion, so that neither on account, or under pretence thereof, or of any other thing, shall either hereafter, or the subjects of either, do, or give, cause, or suffer to be done or given to the other, any hostility, enmity, molestation, or hindrance, by themselves or by others, secretly or openly, directly or indirectly, under colour of right, or by way of fact.

IV. Furthermore, for adding a greater strength to the peace which is restored, and to the faithful friendship which is never to be violated, and for cutting off all occasions of distrust, which might at any time arise from the established right and order of the hereditary succession to the crown of Great Britain, and the limitation thereof by the laws of Great Britain, (made and enacted in the reigns of the late king William III. of glorious memory, and of the present queen) to the issue of the aforesaid queen, and in default thereof, to the most serene princess Sophia, dowager of Brunswick-Hanover, and her heirs, in the protestant line of Hanover. That therefore the said succession may remain safe and secure, the most Christian King sincerely and solemnly acknowledges the aforesaid limitation of the succession to the kingdom of Great Britain, and on the faith and word of a king, on the pledge of his own and his successors honour, he does declare and engage, that he accepts and approves the same, and that his heirs and successors do and shall accept and approve the same for ever. And under the same obligation of the word and honour of a king, the most Christian King promises, that no one besides the queen herself, and her successors, according to the series of the said limitation, shall ever by him, or by his heirs or successors, be acknowledged, or reputed to be king or queen of Great Britain.

Britain. And for adding more ample credit to the said acknowledgment and promises, the most Christian King does engage, that whereas the person who, in the life-time of the late king James II. did take upon him the title of prince of Wales, and since his decease, that of king of Great Britain, is lately gone, of his own accord, out of the kingdom of France, to reside in some other place, he the aforesaid most Christian King, his heirs and successors, will take all possible care, that he shall not at any time hereafter, or under any pretence whatsoever, return into the kingdom of France, or any the dominions thereof.

Moreover, the most Christian King promises, as well in his own name, as in that of his heirs and successors, that they will at no time whatever disturb, or give any molestation to the queen of Great Britain, her heirs and successors, descended from the aforesaid protestant line, who possess the crown of Great Britain, and the dominions belonging thereunto. Neither will the aforesaid most Christian King, or any one of his heirs, give at any time any aid, succour, favour, or council, directly or indirectly, by land or by sea, in money, arms, ammunition, warlike provision, ships, soldiers, seamen, or any other way, to any person or persons, whatsoever they be, who for any cause, or under any pretext whatsoever, should hereafter endeavour to oppose the said succession, either by open war, or by fomenting seditions, and forming conspiracies against such prince or princes who are in possession of the throne of Great Britain, by virtue of the acts of parliament aforementioned, or against that prince or princess, to whom the succession of the crown of Great Britain shall be open, according to the said acts of parliament.

VI. Whereas the most destructive flame of war, which is to be extinguished by this peace, arose chiefly from thence, that the security and liberties of Europe could by no means bear the union of the kingdoms of France and Spain under one and the same king; and whereas it has at length been brought to pass, by the assistance of the divine power, upon the most earnest instances of her sacred royal majesty of Great Britain, and with the consent both of the Most Christian, and of the Catholick King, that this evil should in all times to come be obviated, by means of

renunciations drawn in the most effectual form, and executed in the most solemn manner, the tenor whereof is as follows.

Letters patents by the king, which admit the renunciation of the king of Spain to the crown of France, and those of M. the duke of Berry, and of M. the duke of Orleans, to the crown of Spain.

LEWIS, by the grace of God, king of France and Navarre : to all people present, and to come, greeting. During the various revolutions of a war, wherein we have fought only to maintain the justice of the rights of the king, our most dear, and most beloved grandson, to the monarchy of Spain, we have never ceased to desire peace. The greatest successes did not at all dazzle us, and the contrary events, which the hand of God made use of to try us, rather than to destroy us, did not give birth to that desire in us, but found it there. But the time marked out by divine providence for the repose of Europe was not yet come ; the distant fear of seeing one day our crown, and that of Spain, upon the head of one and the same prince, did always make an equal impression on the powers, which were united against us ; and this fear, which had been the principal cause of the war, seemed also to lay an insuperable obstacle in the way to peace. At last, after many fruitless negotiations, God being moved with the sufferings and groans of so many people, was pleased to open a surer way to come at so difficult a peace. But the same alarms still subsisting, the first and principal condition, which was proposed to us by our most dear and most beloved sister the queen of Great Britain, as the essential and necessary foundation of treating, was, that the king of Spain, our said brother and grandson, keeping the monarchy of Spain, and of the Indies, should renounce for himself, and his descendants for ever, the rights which his birth might at any time give him and them to our crown ; that on the other hand, our most dear and most beloved grandson the duke of Berry, and our most dear and most beloved nephew the duke of Orleans, should likewise renounce for themselves, and for their descendants male and female

Female for ever, their rights to the monarchy of Spain and the Indies. Our said sister caused it to be represented unto us, that without a formal and positive assurance upon this point, which alone could be the bond of peace, Europe would never be at rest; all the powers which share the same, being equally persuaded, that it was for their general interest, and for their common security, to continue a war, whereof no one could foresee the end, rather than to be exposed to behold the same prince become one day master of two monarchies, so powerful as those of France and Spain. But as this princess, (whose indefatigable zeal for re-establishing the general tranquility we cannot sufficiently praise) was sensible of all the reluctancy we had to consent, that one of our children, so worthy to inherit the succession of our forefathers, should necessarily be excluded from it, if the misfortunes wherewith it has pleased God to afflict us in our family, should moreover take from us, in the person of the Dauphin, our most dear and most beloved great grandson, the only remainder of those princes which our kingdom has so justly lamented with us; she entered into our pain, and after having jointly sought out gentler means of securing the peace, we agreed with our said sister to propose to the king of Spain other dominions, inferior indeed to those which he possesses, yet the value thereof would so much the more increase under his reign, in as much as in that case he would preserve his rights, and annex to our crown a part of the said dominions, if he came one time or other to succeed us. We employed therefore the strongest reasons to persuade him to accept this alternative. We gave him to understand, that the duty of his birth was the first which he ought to consult; that he owed himself to his house, and to his country, before he was obliged to Spain; that if he were wanting to his first engagements, he would perhaps one day in vain regret his having abandoned those rights, which he would be no more able to maintain. We added to these reasons, the personal motives of friendship, and of tender love, which we thought likely to move him; the pleasure we should have in seeing him from time to time near us, and in passing some part of our days with him, which we might promise ourselves from the neighbourhood of

of the dominions that were offered him, the satisfaction of instructing him ourselves concerning the state of our affairs, and of relying upon him for the future; so that, if God should preserve to us the Dauphin, we could give our kingdom, in the person of the king our brother, and grandson, a regent instructed in the art of government; and that if this child, so precious to us and to our subjects, were also taken from us, we should at least have the consolation of leaving to our people a virtuous king, fit to govern them, and who would likewise annex to our crown very considerable dominions. Our instances reiterated with all the force, and with all the tender affection necessary to persuade a son, who so justly deserves those efforts, which we made for preserving him to France, produced nothing but reiterated refusals on his part, ever to abandon such brave and faithful subjects, whose zeal for him had been distinguished in those conjunctures, when his throne seemed to be the most shaken. So that persisting with an invincible firmness in his first resolution, asserting likewise, that it was more glorious, and more advantageous for our house, and for our kingdom, than that which we pressed him to take, he declared in the meeting of the states of the kingdom of Spain, assembled at Madrid for that purpose, that for obtaining a general peace, and securing the tranquility of Europe by a balance of power, he of his own proper motion, of his own free will, and without any constraint, renounced for himself, for his heirs and successors, for ever and ever, all pretensions rights and titles, which he, or any of his descendants, have at present, or may have at any time to come whatsoever, to the succession of our crown; that he held for excluded therefrom himself, his children, heirs, and descendants for ever; that he consented for himself and for them, that now, as well as then, his right, and that of his descendants, should pass over and be transferred to him among the princes, whom the law of succession, and the order of birth calls, or shall call to inherit our crown in default of our said brother and grandson the king of Spain, and of his descendants, as it is more amply specified in the act of renunciation, approved by the states of his kingdom; and consequently he declared, that he desisted particularly

ticularly from the right which hath been added to that of his birth, by our letters patents of the month of December, 1700, whereby we declared, that it was our will, that the king of Spain and his descendants, should always preserve the rights of their birth and original, in the same manner as if they resided actually in our kingdom; and from the registry which was made of our said letters patents, both in our court of parliament, and in our chamber of accounts at Paris. We are sensible, as king, and as father, how much it were to be desired, that the general peace could have been concluded without a renunciation, which makes so great a change in our royal house, and in the ancient order of succeeding to our crown; but we are yet more sensible, how much it is our duty to secure speedily to our subjects a peace, which is so necessary for them. We shall never forget the efforts which they made for us during the long continuance of a war, which we could not have supported, if their zeal had not been much more extensive than their power. The welfare of a people so faithful, is to us a supreme law, which ought to be preferred to any other consideration. It is to this law, that we this day sacrifice the right of a grandson, who is so dear to us, and by the price which the general peace will cost our tender love, we shall at least have the comfort of shewing our subjects, that even at the expence of our blood, they will always keep the first place in our heart.

For these causes, and other important considerations us thereunto moving, after having seen in our council the said act of renunciation of the king of Spain, our said brother and grandson, of the fifth of November last, as also the acts of renunciation, which our said grandson the duke of Berry, and our said nephew the duke of Orleans, made reciprocally of their rights to the crown of Spain, as well for themselves as for their descendants, male and female, in consequence of the renunciation of our said brother and grandson the king of Spain, the whole hereunto annexed, with a copy collated of the said letters patents of the month of December, 1700, under the counter-seal of our chancery, of our special grace, full power, and royal authority, we have declared, decreed, and ordained, and by these

presents signed with our hand, we do declare, decree, and ordain, we will, and it is our pleasure, that the said act of renunciation of our said brother and grandson the king of Spain, and those of our said grandson the duke of Berry, and of our said nephew the duke of Orleans, which we have admitted, and do admit, be registered in all our courts of parliament, and chambers of our accounts in our kingdom, and other places where it shall be necessary, in order to their being executed according to their form and tenor. And consequently, we will and intend, that our said letters patents of the month of December, 1700, be and remain null, and as if they had never been made, that they be brought back to us, and that in the margin of the registers of our said court of parliament, and of our said chamber of accounts, where the enrolment of the said letters patents is, the extract of these presents be placed and inserted, the better to signify our intention as to the revocation, and nullity of the said letters. We will, that in conformity to the said act of renunciation of our said brother and grandson the king of Spain, he be from henceforth looked upon and considered, as excluded from our succession, that his heirs, successors, and descendants be likewise excluded for ever, and looked upon as incapable of enjoying the same. We understand, that in failure of them, all rights to our said crown, and succession to our dominions, which might at any time whatsoever belong and appertain to them, be and remain transferred to our most dear, and most beloved grandson the duke of Berry, and to his children, and descendants, being males, born in lawful marriage; and successively in failure of them, to those of the princes of our royal house, and their descendants, who in right of their birth, or by the order established since the foundation of our monarchy, ought to succeed to our crown. And so we command our beloved and trusty counsellors, the members of our court of parliament at Paris, that they do cause these presents, together with the acts of renunciation made by our said brother and grandson the king of Spain, by our said grandson the duke of Berry, and by our said nephew the duke of Orleans, to be read, published, and registered, and the contents thereof to be kept,

kept, observed, and executed, according to their form and tenor, fully, peaceably, and perpetually, ceasing, and causing to cease, all molestations and hindrances, notwithstanding any laws, statutes, usages, customs, decrees, regulations, and other matters contrary thereunto; whereto, and to the derogations of the derogations therein contained, we have derogated, and do derogate by these presents, for this purpose only, and without being brought into precedent. For such is our pleasure.

And to the end that this may be a matter firm and lasting for ever, we have caused our seal to be affixed to these presents. Given at Versailles in the month of March, in the year of our Lord 1713, and of our reign the 70th. Signed *Lewis*, and underneath, by the king, *Phelypeaux*. *Visa, Phelypeaux*. And sealed with the great seal on green wax, with strings of red and green silk.

Read and published, the court being assembled, and registered among the rolls of the court, the king's attorney general being heard, and moving for the same, to the end that they may be executed according to their form and tenor, in pursuance of, and in conformity to the acts of this day. At Paris in parliament the 15th of March, 1713. Signed *DONGOIS*.

THE KING.

WHereas, on the fifth of November in this present year, 1712, before Don Manuel of Vadillo and Velasco, my secretary of state, and chief notary of the kingdoms of Castile and Leon, and witnesses, I delivered, swore to, and signed a publick instrument of the tenor following, which is word for word as here ensues:

D. Philip, by the grace of God, king of Castile, Leon, Arragon, the two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valentia, Galicia, Majorca, Seville, Sardinia, Corduba, Corfica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canary Islands, the East and West Indies, the Islands and Terra Firma of the ocean, archduke of Austria, duke of Burgundy, Brabant, and Milan, count of Habsburg, Flanders, Tirol, and Barcelona, lord of Biscay and Molina, &c. By the account and information of this instrument and writing of renunciation and relinquishment,

quishment, and that it may remain for a perpetual remembrance, I do make known and declare to kings, princes, potentates, commonwealths, communities, and particular persons, which now are, and shall be in future ages: that it being one of the principal positions of the treaties of peace, depending between the crowns of Spain, and of France, with that of England, for the rendering it firm and lasting, and proceeding to a general one, on a maxim of securing for ever the universal good and quiet of Europe, by an equal weight of power, so that many being united in one, the balance of the equality desired, might not turn to the advantage of one, and the danger and hazard of the rest; it was proposed, and insisted on by England, and it was agreed to on my part, and on that of the king my grandfather, that for avoiding at any time whatever the union of this monarchy, with that of France, and the possibility that it might happen in any case, reciprocal renunciations should be made by me, and for all my descendants, to the possibility of succeeding to the monarchy of France, and on the part of those princes, and of all their race, present and to come, to that of succeeding to this monarchy; by forming a proper project of abdication of all rights which might be claimed, by the two royal houses of this, and of that monarchy, as to their succeeding mutually to each other; by separating, by the legal means of my renunciation, my branch from the royal stem of France, and all the branches of France from the stem of the blood royal of Spain; by taking care at the same time, in pursuance of the fundamental and perpetual maxim of the balance of power in Europe, which persuades and justifies the avoiding, in all cases imaginable, the union of the monarchy of France with that of Spain, that the inconvenience should likewise be provided against, lest, in default of my issue, the case should happen that this monarchy should devolve again to the house of Austria, whose dominions and dependencies, even without the union of the empire, would make it formidable; a motive which at other times made it justifiable to separate the hereditary dominions of the house of Austria, from the body of the Spanish monarchy; it being agreed and settled to this end by England with me, and with the king my grandfather,

that

that in failure of me, and of my issue, the duke of Savoy, and his sons, and descendants, being males, born in constant lawful marriage, are to enter upon the succession of this monarchy; and, in default of his male line, the prince Armadeo of Carignan, and his sons, and descendants, being males, born in constant lawful marriage; and, in default of his line, prince Thomas, brother of the prince of Carignan, his sons, and descendants, being males, born in constant lawful marriage, who, as descendants of the infanta Donna Catherina, daughter of Philip II. and being expressly called, have a clear and known right, supposing the friendship and perpetual alliance, which the duke of Savoy, and his descendants, are to solicit and obtain from this crown; it being to be believed, that by this perpetual and never-ceasing hope, the needle of the balance may remain invariable, and all the powers, wearied with the toil and uncertainty of battles, may be amicably kept in an equal poise; it not remaining in the disposal of any of the parties, to alter this federal equilibrium, by way of any contract of renunciation, or retrocession, since the same reason, which induced its being admitted, demonstrates its permanency, a fundamental constitution being formed, which may settle, by an unalterable law, the succession of what is to come. In consequence of what is above said, and for the love I bear to the Spaniards, and from the knowledge I have of what I owe to them, and the repeated experience of their fidelity, and for making a return to Divine Providence, by this resignation to its destiny, for the great benefit of having placed and maintained me on the throne, among such illustrious and well-deserving vassals, I have determined to abdicate, for myself, and all my descendants, the right of succeeding to the crown of France, desiring not to depart from living and dying with my beloved, and faithful Spaniards; leaving to all my descendants, the inseparable bond of their fidelity and love. And to the end that this resolution may have its due effect, and that the matter may cease, which has been looked upon as one of the principal motives of the war, which has hitherto afflicted Europe, of my own motion, free, spontaneous, and unconstrained will, I Don Philip, by the grace of God, king of Castille,

Leon, Arragon, the two Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Corduba, Corsica, Murcia, Jaen, the Algarves, Algezira, Gibraltar, the Canary Islands, the East and West Indies, the Islands, and Terra Firma of the ocean, archduke of Austria, duke of Burgundy, Brabant and Milan, count of Habsburg, Flanders, Tirol, and Barcelona, lord of Biscay and Molina, &c. do by this present instrument, for myself, for my heirs and successors, renounce, quit, and relinquish, for ever and ever, all pretensions, rights, and titles, which I have, or any descendant of mine hath at present, or may have at any time to come, to the succession of the crown of France; and I declare, and hold myself for excluded and separated, me, and my sons, heirs, and descendants for ever, excluded and disabled absolutely, and without limitation, difference, and distinction of persons, degrees, sexes, and times, from the act, and right of succeeding to the crown of France. And I will and consent, for myself, and my said descendants, that now, as well as then, it may be taken to be passed over, and transferred to him, who by mine and their being excluded, disabled, and incapacitated, shall be found next and immediate in degree to the king, by whose death it shall become vacant; and the succession to the said crown of France is at any time, and in any case to be settled on, and given to him, to have and to hold the same as true and lawful successor, in the same manner, as if I, and my descendants, had not been born, or been in the world; since for such are we to be held and esteemed, because in my person, and in that of my descendants, there is no consideration to be had, or foundation to be made of active or passive representation, beginning, or continuation of lineage effective, or contentive of substance, blood, or quality, nor can the descent, or computation of degrees of those persons, be derived from the most Christian King, my lord and grandfather, nor from the Dauphin my father, nor from the glorious kings their progenitors; nor by any other means can they come into the succession, nor take possession of the degree of proximity, and exclude from it the person, who, as is abovesaid, shall be found next in degree. I will

will and consent for myself, and for my descendants, that from this time, as well as then, this right be looked upon and considered as passed over, and transferred to the duke of Berry my brother, and to his sons and descendants, being males, born in constant lawful marriage; and in default of his male issue, to the duke of Orleans my uncle, and to his sons and descendants, being males, born in constant lawful marriage; and in default of his issue, to the duke of Bourbon my cousin, and to his sons, and descendants, being males, born in constant lawful marriage; and in like manner successively to all the princes of the blood of France, their sons, and descendants, being males, for ever and ever, according to the place and order, in which they shall be called to the crown by right of their birth; and consequently to that person among the said princes, who (I and all my said descendants, being, as is above-said, excluded, disabled, and incapacitated) shall be found the nearest in immediate degree after that king, by whose death the vacancy of the crown of France shall happen, and to whom the succession ought to belong at any time, and in any case whatsoever, that he may possess the same as true and lawful successor, in the same manner as if I, and my descendants, had not been born. And for the greater strength of this act of abdication of all the rights and titles, which appertained to me, and to all my sons and descendants, of succeeding to the aforesaid crown of France, I depart from, and relinquish especially that which might moreover accrue to the rights of birth from the letters patents, or instrument, whereby the king my grandfather preserved and reserved to me, and enabled me to enjoy the right of succession to the crown of France, which instrument was dispatched at Versailles in the month of December, in the year 1700, and passed, and approved, and registered by the parliament, I will that it cannot serve me for a foundation to the purposes therein provided for, and I reject and renounce it, and hold it for null, void, and of no force, and for cancelled, and as if no such instrument had ever been executed. I promise and oblige myself, on the faith of a king's word, that as much as shall relate to my part, and that of my sons and descendants, which are and shall be, I will take care of the observation

and accomplishment of this writing, without permitting or consenting that any thing be done contrary thereunto, directly or indirectly, in the whole, or in part; and I relinquish and depart from all and all manner of remedies, known or unknown, ordinary or extraordinary, and which by common right, or special privilege might belong to us, to me, and to my sons and descendants, to reclaim, mention, or alledge against what is abovesaid; and I renounce them all, and especially that of evident prejudice, enormous, and most enormous, which may be reckoned to have happened in this relinquishment and renunciation of the right of being able, at any time, to succeed to the crown aforementioned. I will that none of the said remedies, nor others, of whatsoever name, use, importance, and quality they may be, do avail us, or can avail us. And if in fact, or under any colour we should endeavour to seize the said kingdom by force of arms, by making, or moving war, offensive or defensive, from this time for ever, that is to be held, judged, and declared, for an unlawful, unjust, and wrongfully undertaken war, and for violence, invasion, and usurpation, done against reason and conscience; and on the contrary, that is to be judged and esteemed a just, lawful, and allowed war, which shall be made, or moved in behalf of him, who by the exclusion of me, and of my said sons and descendants, ought to succeed to the said crown of France, to whom the subjects and natives thereof are to apply themselves, and to obey him, to take and perform the oath and homage of fealty, and to serve him as their lawful king and lord. And the relinquishment and renunciation, for me, and my said sons and descendants, is to be firm, stable, valid, and irrevocable perpetually, for ever and ever. And I declare and promise, that I have not made, neither will I make any protestation, or reclaiming, in publick, or in secret, to the contrary, which may hinder, or diminish the force of what is contained in this writing; and that if I should make it, although it be sworn to, it is not to be valid, neither can it have any force; and for the greater strength and security of what is contained in this renunciation, and of what is said and promised on my part therein, I give again

again the pledge of my faith, and royal word, and I swear solemnly by the gospels contained in this missal, upon which I lay my right hand, that I will observe, maintain, and accomplish this act, and instrument of renunciation, as well for myself, as for all my successors, heirs, and descendants, in all the clauses therein contained, according to the most natural, literal, and plain sense and construction; and that I have not sought, neither will I seek any dispensation from this oath; and if it shall be sought for by any particular person, or shall be granted *motu proprio*, I will not use it, nor take any advantage of it. Nay, in such case as that it should be granted me, I make another the like oath, that there may always be and remain one oath above and beyond all dispensations which may be granted me. And I deliver this writing before the present secretary, notary of this my kingdom, and I have signed it, and commanded it to be sealed with my royal seal; there being provided, and called as witnesses, the cardinal Don Francisco de Judice, inquisitor general, and archbishop of Montreal, one of my council of state; Don Joseph Fernandez, of Velasco and Tobar, constable of Castille, duke of Frias, gentleman of my chamber, my high steward of my household, great cup-bearer, and great huntsman; Don Juan Claros Alfonso Perez de Gusman el Bueno, duke of Medina Sidonia, knight of the order of the holy ghost, my great master of the horse, gentleman of my chamber, and one of my council of state; Don Francisco Andres de Benavides, count of Santistevan, one of my council of state, and high steward to the queen; Don Carlos Homodei Laco de la Vega, marquis of Almonacir, and count of Casa Palma, gentleman of my chamber, one of my council of state, and great master of the horse to the queen; Don Restayno Cantelmo, duke of Popoli, knight of the order of the holy ghost, gentleman of my chamber, and captain of my Italian life-guards; Don Fernando of Aragon and Moncada, duke of Montalto, marquis of los Velez, commander of Silla and Benasul in the order of Montessa, gentleman of my chamber, and one of my council of state; Don Antonio Sebastian de Toledo, marquis of Mansera, gentleman of my chamber, one of my council of state, and president of that of Italy; Don
 Juan

Juan Domingo of Haro and Guzman, great commander in the order of St. James, one of my council of state; Don Joachim Ponce de Leon, duke of Arcos, gentleman of my chamber, great commander in the order of Calatrava, one of my council of state; Don Domingo de Giudice, duke of Giovenazzo, one of my council of state; Don Manuel Coloma, marquis of Canales, gentleman of my chamber, one of my council of state; and captain general of the artillery of Spain; Don Joseph de Solis, duke of Montellano, one of my council of state; Don Rodrigo Manuel Manrique de Lara, count of Frigiliana, gentleman of my chamber, one of my council of state, and president of that of the Indies; Don Isidro de la Cueva, marquis of Bedmar, knight of the order of the holy ghost, gentleman of my chamber, one of my council of state, president of that of the orders, and first minister of war; Don Francisco Ronquillo Briceno, count of Gramedo, governor of my council of Castille; Don Lorenzo Armangual, bishop of Gironda, one of my council, and chamber of Castille, and governor of that of the revenues; Don Carlos de Borja and Centellas, patriarch of the Indies, one of my council of the orders, my chaplain and great almoner, and vicar-general of my armies; Don Martin de Guzman, marquis of Montealegre, gentleman of my chamber, and captain of my guard of halberdiers; Don Pedro de Toledo Sarmiento, count of Gondomar, one of my council, and chamber of Castille; Don Francisco Rodrigues de Mendarosqueta, commissary general of the Cruzada; and Don Melchior de Avellaneda, marquis of Valdecanas, one of my council of war, and director general of the infantry of Spain.

I THE KING.

NOW in regard to the federal conventions, whereof mention is made in the said instrument here inserted, and to the end it may appear authentically to all the parties where it appertains, and who may pretend to make use of the contents thereof; and for all the effects which may take place in right, and which may be derived from the delivery hereof, under the clauses, conditions, and suppositions therein contained, I have commanded these presents

presents to be made out, signed with my hand, and sealed with the seal of my royal arms, and countersigned by my underwritten secretary of state, and chief notary of these my kingdoms, at Buen Retiro, the seventh of November, 1712.

(L. S.)

I THE KING.

Manuel de Vadillo y Velasco.

Read and published, the court being assembled, and registered in the rolls of the court, the king's advocate general being heard, and moving for the same, to the end that it may be executed according to the form and tenor thereof, in pursuance of, and in conformity to the acts of this day : at Paris in parliament, the 15th of March, 1713.

Signed

DONGOIS.

CHARLES, son of France, duke of Berry, Alençon, and Angoulême, viscount of Vernon, Andely, and Gisors, lord of the chatellenies of Coignac and Mervins; to all kings, princes, commonwealths, communities, and to all other bodies, and private persons, present and to come, be it known. All the powers of Europe finding themselves almost ruined on account of the present wars, which have carried desolation to the frontiers, and into many other parts of the richest monarchies, and other dominions, it has been agreed in the conferences and treaties of peace, which are negotiating with Great Britain, to establish an equilibrium, and political boundaries between the kingdoms, whereof the interests have been, and are still the sad occasion of a bloody dispute; and to hold it for a fundamental maxim in order to preserve this peace, that provision ought to be made, that the forces of these kingdoms may not become formidable, nor be able to cause any jealousy, which, it has been thought, cannot be settled more solidly, than by hindering them from extending themselves, and by keeping a certain proportion, to the end that the weaker being united together, may defend themselves against the more powerful, and support themselves respectively against their equals.

For this purpose the king, our most honoured lord and grandfather, and the king of Spain, our most dear brother, have agreed and concluded with the queen of Great Britain,

Britain, that reciprocal renunciations shall be made by all the princes, both present and to come, of the crown of France, and of that of Spain, of all rights, which may appertain to each of them, to the succession of the one, or of the other kingdom, by establishing an habitual right to the succession to the crown of Spain, in that line which shall be made capable thereof, and declared immediate after that of king Philip V. our brother, by the estates of Spain, who were to assemble for this purpose; by making an immoveable balance to maintain the equilibrium, which is intended to be placed in Europe, and by going on to particularize all the cases of union which are foreseen, to serve as an example for all such as may happen. It has likewise been agreed and concluded between the king, our most honoured lord and grandfather, king Philip V. our brother, and the queen of Great Britain, that the said king Philip shall renounce for himself, and for all his descendants, the hopes of succeeding to the crown of France; that on our side we shall renounce in like manner for us, and for our descendants, the crown of Spain; that the duke of Orleans, our most dear uncle, shall do the same thing; so that all the lines of France, and of Spain, respectively and relatively, shall be excluded for ever, and by all kind of ways, from all the right, which the lines of France might have to the crown of Spain, and the lines of Spain to the crown of France; and lastly, that care shall be taken, that under pretence of the said renunciations, or under any other pretence whatsoever, the house of Austria may not make use of the pretensions, which it might have to the succession of the monarchy of Spain; forasmuch as by uniting this monarchy to the hereditary countries and dominions of that house, it would become formidable, even without the union of the empire, to the other powers, which are between both, and which would find themselves as it were surrounded; which would destroy the equality, that is establishing at present, to secure and strengthen more perfectly the peace of christendom, and to take away all manner of jealousy from the powers of the North, and of the West, which is the end that is proposed by this political equilibrium, by removing and excluding all these branches, and calling to the crown of Spain,

Spain, in default of the lines of king Philip V. our brother, and of all his children and descendants, the house of the duke of Savoy, which descends from the infanta Catherina, daughter of Philip II. it having been considered, that in making the said house of Savoy succeed immediately in this manner, this equality and balance between the three powers, may be fixed as it were in its centre, without which it would be impossible to extinguish the flame of war, which has been kindled, and is capable of destroying every thing.

Being willing therefore to concur, by our relinquishment, and by the abdication of all our rights, for us, our successors and descendants, to the establishing of the universal repose, and the securing the peace of Europe, because, we believe, that this method is the surest, and most effectual, in the terrible circumstances of this conjuncture, we have resolved to renounce the hopes of succeeding to the crown of Spain, and all the rights thereunto, which belong to us, and may belong to us, under any title, and by any means whatsoever. And to the end that this resolution may have its full effect, and also by reason that king Philip V. our brother, did on his part, the 5th of this present month of November, make his renunciation of the crown of France, we of our meer, free, and frank will, and without being moved thereunto by any respectful awe, or by any other regard, except those abovementioned, do declare, and hold ourselves from this present, we, our children, and descendants, excluded and disabled absolutely for ever, without limitation or distinction of persons, degrees, or sexes, from every act, and from all right of succeeding to the crown of Spain. We will, and consent, for us, our said children and descendants, that from this time, and for ever, we and they, in consequence of these presents, be held to be excluded and disabled, in like manner as all the other descendants of the house of Austria, who, as it has been said and supposed, ought also to be excluded, in whatever degree we may be, both the one and the other; and if the succession falls to us, our line, that of all our descendants, and all the others of the house of Austria, as it has been said, ought to be separated and excluded therefrom. That for this reason the kingdom

kingdom of Spain be accounted as devolved, and transferred to him, to whom in such case the succession ought to devolve and be transferred, at any time whatsoever, so that we do take and hold him for true and lawful successor, because for the same reasons and motives, and in consequence of these presents, neither we, nor our descendants, ought any more to be considered as having any foundation of representation active or passive, or making any continuation of line effective, or contentive of substance, blood, or quality, or likewise to derive any right from our descent, or to reckon our degrees from the persons of the queen Maria Theresa of Austria, our most honoured lady and grandmother of the queen Anne of Austria, our most honoured lady and great-grandmother, or of the glorious kings their ancestors; on the contrary, we ratify the clauses of their wills, and the renunciations made by the said ladies, our grandmother and great-grandmother, we renounce likewise the right, which may belong to us, and to our children and descendants, by virtue of the will of king Charles II. which, notwithstanding what is above-mentioned, calls us to the succession of the crown of Spain, in case of failure of the line of Philip V. We therefore relinquish this right, and renounce the same, for us, our children and descendants; we promise and engage, for us, our said children and descendants, to employ ourselves with all our might, in causing this present act to be fulfilled, without allowing, or suffering that the same be violated directly or indirectly, in the whole, or in part; and we relinquish all means, ordinary or extraordinary, which by common right, or by any special privilege might belong to us, our children and descendants; which means we likewise renounce absolutely, and particularly, that of evident, enormous, and most enormous prejudice, which may be found in the said renunciation of the succession to the crown of Spain. And we will that none of the said means may, or can have any effect, and that if, under this pretext, or any other colour, we would possess ourselves of the said kingdom by force of arms, the war which we should make, or stir up, be deemed unjust, unlawful, and unduly undertaken. And on the contrary, that the war, which he should make upon us, who by virtue of this renunciation should have

have right to succeed to the crown of Spain, be deemed just and allowable. And that all the subjects and people of Spain, do acknowledge him, obey him, defend him, do him homage, and swear fealty to him, as to their king and lawful lord.

And for the greater security of all that we say and promise for ourselves, and in the name of our children and descendants, we swear solemnly on the gospels contained in this missal, upon which we lay our right hand, that we will keep, maintain, and fulfil the same in all and every part thereof; that we will never ask to be relieved from the same, and if any one do ask it for us, or if it be granted us *motu proprio*, we will not make use, or take advantage of it. But rather, in case it should be granted us, we over and above make this other oath, and this shall subsist and remain for ever, whatever dispensations may be granted us. We swear and promise likewise, that we have not made, neither will we make, in publick, or in secret, any protestation, or reclamation to the contrary, which may hinder what is contained in these presents, or lessen the force thereof; and if we should make any, whatever oaths they may be accompanied with, they shall not have any force or virtue, or produce any effect.

In witness whereof, and to render these presents authentick, they have been passed before masters Alexander le Fevre, and Anthony le Moyne, counsellors to the king, notaries, minute-keepers to his majesty, and seal-keepers in the chatelet of Paris, hereunder written, who have wholly delivered this present act; and for causing these presents to be published and registered, wherever it shall be necessary, my lord the duke of Berry has constituted the bearers of these dispatches, by duplicates thereof, his general and special attornies to whom my said lord has, by these said presents, given special power and authority in that behalf. At Marly, the 24th day of November, 1712, before noon, and has signed the present duplicate, and another, and minute thereof remaining in the hands of the said Le Moyne, notary.

Signed,

CHARLES.

Le Fevre, Le Moyne.

PHILIP, grandson of France, duke of Orleans, Valois, Chartres, and Nemours ; to all kings, princes, commonwealths, potentates, communities, and to all persons, as well present as to come, we make known by these presents ; that the fear of the union of the crowns of France and Spain, having been the principal motive of the present war, and the other powers of Europe having always apprehended, lest these two crowns should come upon one head, it has been laid down as the foundation of the peace, which is treated of at present, and which it is hoped may be cemented more and more, for the repose of such a number of countries, which have sacrificed themselves, as so many victims, to oppose the dangers, wherewith they thought themselves threatened, that it was necessary to establish a kind of equality and equilibrium between the princes, who were in dispute, and to separate for ever, in an irrevocable manner, the rights which they pretend to have, and which they defended, sword in hand, with a reciprocal slaughter on each side.

That with intent to establish this equality, the queen of Great Britain proposed, and upon her instances, it has been agreed by the king, our most honoured lord and uncle, and by the catholick king, our most dear nephew, that for avoiding at any time whatsoever the union of the crowns of France and Spain, reciprocal renunciations should be made, that is to say, by the catholick king Philip V. our nephew, for himself and for all his descendants, of the succession to the crown of France ; as also by the duke of Berry, our most dear nephew, and by us, for ourselves, and for all our descendants, of the crown of Spain ; on condition likewise, that neither the house of Austria, nor any of the descendants thereof, shall be able to succeed to the crown of Spain, because this house itself, without the union of the empire, would become formidable, if it should add a new power to its ancient dominions ; and consequently this equilibrium, which is designed to be established for the good of the princes and states of Europe, would cease. Now it is certain, that without this equilibrium, either the states suffer from the weight of their own greatness, or envy engages their neighbours to make alliances to attack them, and to reduce them to such
a point,

a point, that these great powers may inspire less fear, and may not aspire to an universal monarchy.

For attaining the end which is proposed, and by reason that his Catholick Majesty has on his part made his renunciation the 5th of this present month, we consent that, in failure of Philip V. our nephew, and of his descendants, the crown of Spain do pass over to the house of the duke of Savoy, whose rights are clear and known, inasmuch as he descends from the infanta Catherina, daughter of Philip II. and as he is called by the other kings his successors; so that his right to the succession of Spain is indisputable.

And we desiring on our side to concur towards the glorious end, which is proposed for re-establishing the publick tranquillity, and for preventing the fears which the rights of our birth, or all others, which might appertain unto us, might occasion, have resolved, to make this relinquishment, this abdication, and this renunciation of all our rights, for ourselves, and in the name of all our successors and descendants; and for the accomplishing of this resolution, which we have taken of our meer, free, and frank will, we declare and hold ourselves from this present, us, our children and descendants, for excluded and disabled, absolutely, and for ever, and without limitation or distinction of persons, of degrees, and of sexes, from every act, and from all right of succeeding to the crown of Spain. We will and consent, for us and our descendants, that from this time, and for ever, we be held, we, and ours, for excluded, disabled, and incapacitated, in whatever degree we may happen to be, and in what manner soever the succession may fall to our line, and to all others, whether of the house of France, or of that of Austria, and of all the descendants both of the one and the other house, which, as it is said and supposed, ought likewise to hold themselves for cut off and excluded; and that for this reason the succession to the said crown of Spain be deemed to be devolved, and transferred to him to whom the succession of Spain ought to be transferred, in such case, and at any time whatsoever; so that we do take and hold him for true and lawful successor, because neither we, nor our descendants, ought any more to be

considered as having any foundation of representation, active or passive, or making a continuation of a line effective, or contentive of substance, blood, or quality, nor ought we to derive any right from our descent, or reckon the degrees from queen Anne of Austria, our most honoured lady and grandmother, nor from the glorious kings her ancestors. On the contrary, we ratify the renunciation which the said lady queen Anne made, and all the clauses which the kings Philip III. and Philip IV. inserted in their wills. We renounce in like manner all the right which may appertain to us, and to our children and descendants, by virtue of the declaration made at Madrid, the 29th of October, 1703. by Philip V. king of Spain, our nephew; and any right which might appertain to us, for us, and our descendants, we relinquish the same, and renounce it for us and for them; we promise and engage for us, our said children and descendants, present and to come, to employ ourselves with all our might, in causing these presents to be observed and fulfilled, without allowing, or suffering that, directly or indirectly, the same be violated, whether in the whole, or in part. And we relinquish all means, ordinary or extraordinary, which by common right, or any special privilege might appertain to us, our children and descendants; which means we renounce absolutely, and in particular that of evident, enormous, and most enormous prejudice, which may be found in the renunciation of the succession to the said crown of Spain; and we will that any of the said means neither may, nor can serve, or avail us. And if under this pretext, or any other colour whatever, we would possess ourselves of the said kingdom of Spain by force of arms, that the war which we should make, or stir up, be held for unjust, unlawful, and unduly undertaken; and that on the contrary, that which he should make upon us, who by virtue of this renunciation should have right to succeed to the crown of Spain, be held for just and allowable; and that all the subjects and people of Spain do acknowledge him, obey him, defend him, do homage to him, and take the oath of fealty to him, as to their king, and lawful lord.

And for the greater assurance, and security of all that we say and promise, for us, and in the name of our successors

fors and descendants, we swear solemnly on the holy gospels, contained in this missal, whereon we lay our right hand, that we will keep, maintain, and fulfil the same wholly and entirely; and that we will at no time ask to have ourselves relieved therefrom; and if any person asks it, or if it is granted us *motu proprio*, we will not make use, or avail ourselves thereof; but rather, in case it should be granted us, we make another oath, that this shall subsist and remain for ever, what dispensation soever may be granted us. We further swear and promise, that we have not made, neither will we make, either in publick, or in secret, any protestation, or reclamation to the contrary, which may hinder that which is contained in these presents, or lessen the force thereof, and if we should make any, what oath soever they may be attended with, they shall not have either force or virtue, or produce any effect.

And for greater security, we have passed, and do pass the present act of renunciation, abdication, and relinquishment, before masters Anthony le Moyne, and Alexander le Fevre, counsellors to the king, notaries, minute-keepers, and seal-keepers at the chatelet of Paris, hereunder written, in our palace-royal at Paris, 1712, the 19th of November, before noon; and for causing these presents to be insinuated and registered in every place, where it shall appertain, we have constituted the bearer to be our attorney, and we have signed these presents, and the minute thereof remaining in the possession of the said Le Fevre, notary.

*PHILIP, of Orleans.
Le Moyne, Le Fevre.*

The KING'S LETTERS PATENTS of the Month of December, 1700.

LEWIS, by the grace of God, king of France and Navarre, to all present and to come, greeting. The prosperity, which it has pleased God to heap upon us during the course of our reign, are so many motives to us, to apply ourselves, not only for the time present, but also for the future, to the happiness and tranquility of the people

ple whereof Divine Providence has entrusted to us the government. His impenetrable judgments, let us only see, that we ought not to place our confidence, neither in our forces, nor in the extent of our dominions, nor in a numerous posterity, and that these advantages which we receive from his goodness alone, have no other solidity than what it pleases him to give them. But as it is, however, his will that the kings, whom he chuses to lead his people, should foresee afar off the events able to produce disorders, and the most bloody wars; that they should make use of the lights, which his divine wisdom pours upon them; we fulfil his designs, when, in the midst of the universal rejoicings of our kingdom, we look upon, as a possible thing, a sad futurity, which we pray God to avert for ever. At the same time that we accept the will of the late king of Spain; that our most dear and most beloved son the Dauphin, renounces his lawful right to that crown, in favour of his second son the duke of Anjou, our most dear and most beloved grandson, instituted by the late king of Spain, his universal heir; That this prince, known at present by the name of Philip V. king of Spain, is ready to enter his kingdom, and to answer the earnest wishes of his new subjects; this great event does not hinder us from carrying our views beyond the time present, and when our succession appears the best established, we judge it to be equally the duty of a king, and of a father, to declare, for the future, our will conformably to the sentiments which these two qualities inspire in us. Wherefore, being persuaded that the king of Spain, our grandson, will always preserve for us, for our house, for the kingdom wherein he is born, the same tenderness, and the same sentiments, whereof he has given us so many proofs, that his example, uniting his new subjects to ours, is going to form a perpetual amity, and the most perfect correspondence between them; we should think likewise, that we do him an injustice, whereof we are incapable, and occasion an irreparable prejudice to our kingdom, if we should hereafter look upon as a stranger, a prince, whom we grant to the unanimous requests of the Spanish nation.

For

For these causes, and other great considerations us hereunto moving, of our special grace, full power, and royal authority, we have resolved, declared, and ordained, and by these presents signed with our hand, we do resolve, declare, and ordain, we will, and it is our pleasure, that our most dear and most beloved grandson the king of Spain, do preserve for ever the rights of his birth, in the same manner as if he made his actual residence in our kingdom ; wherefore our most dear and most beloved only son the Dauphin, being the true and lawful successor and heir of our crown, and of our dominions, and after him our most dear and most beloved grandson the duke of Burgundy, if it should happen (which God forbid) that our said grandson the duke of Burgundy, should come to die without male children, or that those which he should have in good and lawful marriage, should die before him, or if the said male children should not leave any male children after them born in lawful marriage, in such case our said grandson the king of Spain, making use of the rights of his birth, is to be the true and lawful successor to our crown, and to our dominions, notwithstanding he should be at that time absent, and residing out of our said kingdom ; and immediately after his decease, his heirs male begot in lawful marriage, shall come into the said succession, notwithstanding that they may be born, or that they may dwell out of our kingdom ; we will that, for the abovesaid causes, neither our said grandson, the king of Spain, nor his children, being males, be deemed and reputed less able and capable to enter upon the said succession, or upon others which may fall to them within our said kingdom. On the contrary we intend, that all rights, and generally other things whatever, which may at present, or for the future, belong and appertain to them, be and remain preserved whole and intire, as if they did reside and dwell constantly within our kingdom to the time of their decease, and as if their heirs had been natives, and inhabitants of the kingdom ; having for this purpose, as far as there is or shall be need, enabled and dispensed with them, as we do enable and dispense with them by these presents. And so we give it in command to our beloved and trusty counsellors, the members of our court of parliament, and chamber of our ac-

counts at Paris, presidents and treasurers general of France in the office of our exchequer established in the same place, and to all others our officers and justices to whom it shall appertain, that they cause these presents to be registered, and our said grandson the king of Spain, his children and descendants, being male, born in lawful marriage, to enjoy and use the contents thereof, fully and peaceably, any thing to the contrary notwithstanding; to which, by our grace and authority, as aforesaid, we have derogated, and do derogate; for this is our pleasure. And that this may be a matter firm and lasting for ever, we have caused our seal to be put to these presents. Given at Versailles, in the month of December, in the year of our Lord, 1700, and of our reign the 58th. Signed LEWIS, and on the fold, by the king, *Phelipeaux*. And sealed with the great seal on green wax, with strings of red and green silk.

Registered, the king's attorney general being heard and requiring the same, in order to their being executed according to their form and tenor, pursuant to the act of this day. At Paris in parliament, the 1st of February, 1701.

Signed,

DONGOIS.

NOW whereas it is provided and settled by the preceding renunciation (which is always to have the force of a pragmatick, fundamental, and inviolable law) that at no time whatever either the Catholick King himself, or any one of his lineage, shall seek to obtain the crown of France, or ascend the throne thereof; and by reciprocal renunciations on the part of France, and by settlements of the hereditary succession there, tending to the same purpose, the crowns of France and Spain are so divided and separated from each other, that the aforesaid renunciations, and the other transactions relating thereto, remaining in force, and being truly and faithfully observed, they can never be joined in one. Wherefore the most serene queen of Great Britain, and the most serene the most Christian King, engage to each other solemnly, and on their royal words, that nothing ever shall be done by them, or their heirs and successors, or allowed to be done by others, whereby the aforesaid renunciations, and the other transactions

transactions aforementioned, may not have their full effect: but rather on the contrary, their royal majesties, with joint councils and forces, will always sincerely take that care, and use those endeavours, that the said foundations of the publick safety may remain unshaken, and be preserved untouched for ever.

Moreover, the most Christian King consents and engages, that he will not, for the interest of his subjects, hereafter endeavour to obtain, or accept of any other usage of navigation and trade to Spain, and the Spanish Indies, than what was practised there in the reign of the late king Charles II. of Spain, or than what shall likewise be fully given and granted, at the same time, to other nations and people concerned in trade.

VII. That there be a free use of navigation and commerce between the subjects of both their royal majesties, as it was formerly in time of peace, and before the declaration of this last war, and also as it is agreed and concluded by the treaty of commerce this day made between the two nations.

VIII. That the ordinary distribution of justice be revived, and open again, through the kingdoms and dominions of each of their royal majesties, so that it may be free for all the subjects on both sides, to sue for, and obtain their rights, pretensions and actions, according to the laws, constitutions, and statutes of each kingdom.

IX. The Most Christian King shall take care that all the fortifications of the city of Dunkirk be razed, that the harbour be filled up, and that the sluices or moles which serve to cleanse the harbour be levelled, and that at the said king's own expence, within the space of five months after the conditions of peace are concluded and signed; that is to say, the fortifications towards the sea, within the space of two months, and those towards the land, together with the said banks, within three months; on this express condition also, that the said fortifications, harbour, moles or sluices, be never repaired again. All which shall not, however, be begun to be ruined, till after that every thing is put into his Christian Majesty's hands, which is to be given him, instead thereof, or as an equivalent.

X. The said most Christian King shall restore to the kingdom and queen of Great Britain, to be possessed in full right for ever, the bay and streights of Hudson, together with all lands, seas, sea-coasts, rivers, and places situate in the said bay, and streights, and which belong thereunto, no tracts of land or of sea being excepted, which are at present possessed by the subjects of France. All which, as well as any buildings there made, in the condition they now are, and likewise all fortresses there erected, either before or since the French seized the same, shall within six months from the ratification of the present treaty, or sooner, if possible, be well and truly delivered to the British subjects, having commission from the queen of Great Britain, to demand and receive the same, entire and undemolished, together with all the cannon and cannon-ball which are therein, as also with a quantity of powder, if it be there found, in proportion to the cannon-ball, and with the other provision of war usually belonging to cannon. It is however provided, that it may be intirely free for the company of Quebec, and all other the subjects of the most Christian King whatsoever, to go by land, or by sea, whithersoever they please out of the lands of the said bay, together with all their goods, merchandizes, arms, and effects, of what nature or condition soever, except such things as are above reserved in this article. But it is agreed on both sides, to determine within a year, by commissaries to be forthwith named by each party, the limits which are to be fixed between the said bay of Hudson, and the places appertaining to the French ; which limits both the British and French subjects shall be wholly forbid to pass over, or thereby to go to each other by sea or by land. The same commissaries shall also have orders to describe and settle, in like manner, the boundaries between the other British and French colonies in those parts.

XI. The abovementioned most Christian King shall take care that satisfaction be given, according to the rule of justice and equity, to the English company trading to the bay of Hudson, for all damages and spoil done to their colonies, ships, persons, and goods, by the hostile incursions and depredations of the French, in time of peace, an estimate being made thereof by commissaries to
be

be named at the requisition of each party. The same commissaries shall moreover inquire as well into the complaints of the British subjects concerning ships taken by the French in time of peace, as also concerning the damages sustained last year in the island called Montserrat, and others, as into those things of which the French subjects complain, relating to the capitulation in the island of Nevis, and castle of Gambia, also to French ships, if perchance any such have been taken by British subjects in time of peace. And in like manner into all disputes of this kind, which shall be found to have arisen between both nations, and which are not yet ended; and due justice shall be done on both sides without delay.

XII. The most Christian King shall take care to have delivered to the queen of Great Britain, on the same day that the ratifications of this treaty shall be exchanged, solemn and authentick letters, or instruments, by virtue whereof it shall appear, that the island of St. Christophers is to be possessed alone hereafter by British subjects, likewise all Nova Scotia or Acadia, with its ancient boundaries, as also the city of Port Royal, now called Annapolis Royal, and all other things in those parts, which depend on the said lands and islands, together with the dominion, propriety, and possession of the said islands, lands, and places, and all right whatsoever, by treaties, or by any other way obtained, which the most Christian King, the crown of France, or any the subjects thereof, have hitherto had to the said islands, lands, and places, and the inhabitants of the same, are yielded and made over to the queen of Great Britain, and to her crown for ever, as the most Christian king does at present yield and make over all the particulars aforesaid; and that in such ample manner and form, that the subjects of the most Christian King shall hereafter be excluded from all kind of fishing in the said seas, bays, and other places, on the coasts of Nova Scotia, that is to say, on those which lie towards the East, within 30 leagues, beginning from the island commonly called Sable, inclusively, and thence stretching along towards the South-west.

XIII. The island called Newfoundland, with the adjacent islands, shall from this time forward, belong of right wholly

wholly to Britain; and to that end the town and fortrefs of Placentia, and whatever other places in the said island, are in the possession of the French, shall be yielded and given up, within seven months from the exchange of the ratifications of this treaty, or sooner, if possible, by the most Christian King, to those who have a commission from the queen of Great Britain, for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island and islands, or to any part of it, or them. Moreover, it shall not be lawful for the subjects of France, to fortify any place in the said island of Newfoundland, or to erect any buildings there, besides stages made of boards, and huts necessary and usual for drying of fish; or to resort to the said island, beyond the time necessary for fishing, and drying of fish. But it shall be allowed to the subjects of France, to catch fish, and to dry them on land, in that part only, and in no other besides that, of the said island of Newfoundland, which stretches from the place called cape Bonavista, to the northern point of the said island, and from thence running down by the western side, reaches as far as the place called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the river of St. Lawrence, and in the gulph of the same name, shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place, or places there.

XIV. It is expressly provided, that in all the said places and colonies to be yielded and restored by the most Christian King, in pursuance of this treaty, the subjects of the said king may have liberty to remove thence within a year to any other place, as they shall think fit, together with all their moveable effects, and those who are willing to remain there, shall to be admitted to the freedom of Great Britain, and shall enjoy the same religion, according to the usage of the said kingdom, as far as the laws of Great Britain shall require.

XV. The subjects of France, and of the said islands, and others, shall have liberty to give no more than the five per cent. canon, and shall be free from all other impositions.

rica, who are friends to the same. In like manner the subjects of Great Britain, shall behave themselves peaceably towards the Americans, who are subjects or friends to France; and on both sides they shall enjoy full liberty of going and coming on account of trade. As also the natives of those countries shall, with the same liberty, resort, as they please, to the British and French colonies, for promoting trade on one side, and the other, without any molestation or hindrance, either on the part of the British subjects, or of the French. But it is to be exactly and distinctly settled by commissaries, who are, and who ought to be accounted the subjects and friends of Britain, or of France.

XVI. That all letters, as well of reprisal, as of mark and counter-mark, which have hitherto on any account been granted on either side, be and remain null, void, and of no effect; and that no letters of this kind be hereafter granted by either of their said royal majesties, against the subjects of the other, unless there shall have been plain proof beforehand of a denial, or wrongful delay of justice; and unless the petition of him, who desires the grant of letters of reprisal, be exhibited and shewn to the minister, who resides there in the name of that prince, against whose subjects those letters are demanded, that he within the space of four months, or sooner, may make enquiry to the contrary, or procure that satisfaction be forthwith given to the plaintiff by the party accused. But in case no minister be residing there from that prince, against whose subjects reprisals are demanded, that letters of reprisal be not granted till after the space of four months, to be computed from the day whereon the petition was exhibited to the prince, against whose subjects reprisals are demanded, or to his privy council.

It is expressly stipulated among the conditions of arms, made between the two parties the $\frac{1}{2}$ day of August prolonged for four months more, that all prizes, and other moveable goods, should either become prize of war, or be restored to the former proprietor; it is in those cases the conditions of the

the aforesaid suspension of arms shall remain in full force, and that all things relating to such captures, made either in the British and Northern seas, or in any other place, shall be well and truly executed according to the tenor of the same.

XVIII. But in case it happen through inadvertency, or imprudence, or any other cause whatsoever, that any subject of their aforesaid royal majesties do, or commit any thing by land, by sea, or on fresh waters, in any part of the world, whereby this present treaty be not observed, or whereby any particular article of the same hath not its effect, this peace and good correspondence between the queen of Great Britain, and the most Christian King, shall not be therefore interrupted or broken, but shall remain in its former strength, force, and vigour. But that subject alone shall be answerable for his own fact, and shall suffer the punishment, which is inflicted by the rules and directions of the law of nations.

XIX. However, in case (which God Almighty forbid) the dissensions which have been laid asleep, should at any time be renewed, between their said royal majesties, or their successors, and break out into open war, the ships, merchandizes, and all the effects, both moveable and immoveable, on both sides, which shall be found to be and remain in the ports, and in the dominions of the adverse party, shall not be confiscated, or any wise endamaged; but the entire space of six months, to be reckoned from the day of the rupture, shall be allowed to the said subjects of each of their royal majesties, in which they may sell the aforesaid things, or any part else of their effects, or carry and remove them from thence whither they please, without any molestation, and retire from thence themselves.

XX. Just and reasonable satisfaction shall be given to all and singular the allies of the queen of Great Britain, in those matters which they have a right to demand from France.

XXI. The most Christian King will, in consideration of the friendship of the queen of Great Britain, grant, that in making the treaty with the Empire, all things concerning the state of religion in the aforesaid Empire, shall be

be settled, conformable to the tenor of the treaties of Westphalia, so that it shall plainly appear, that the most Christian King neither will have, nor would have had any alteration made in the said treaties.

XXII. Moreover, the most Christian King engages, that he will forthwith, after the peace is made, cause justice to be done to the family of Hamilton, concerning the dukedom of Chatelraut, to the duke of Richmond, concerning such requests as he has to make in France, as also to Charles Douglas, concerning certain lands to be reclaimed by him, and to others.

XXIII. By the mutual consent of the queen of Great Britain, and of the most Christian King, the subjects of each party, who were taken prisoners during the war, shall be set at liberty, without any distinction or ransom, paying such debts, as they shall have contracted during the time of their being prisoners.

XXIV. It is mutually agreed, that all and singular the conditions of the peace, made this day between his sacred royal most Christian Majesty, and his sacred royal majesty of Portugal, be confirmed by this treaty ; and her sacred royal majesty of Great Britain takes upon herself the guaranty of the same, to the end that it may be more firmly and inviolably observed.

XXV. The treaty of peace made this day between his sacred royal most Christian Majesty, and his royal highness the duke of Savoy, is particularly included in this treaty, as an essential part of it, and is confirmed by it, in the same manner as if it were word for word inserted therein ; her royal majesty of Great Britain declaring expressly, that she will be bound by the stipulations of security and guaranty promised therein, as well as by those, which she has formerly taken upon herself.

XXVI. The most serene king of Sweden, with his kingdoms, dominions, provinces, and rights, as also the great duke of Tuscany, the republick of Genoa, and the duke of Parma, are in the best manner included in this treaty.

XXVII. Their majesties have also been pleased to comprehend, in this treaty, the Hans-towns, namely, Lubeck, Bremen, and Hamburg, and the city of Dantzick, with

with this effect, that as soon as the general peace shall be concluded, the Hans-towns and the city of Dantzick may, for the future, as common friends, enjoy the ancient advantages which they have heretofore had in the business of trade, either by treaties, or by old custom.

XXVIII. Those shall be comprehended in this present treaty of peace, who shall be named by common consent, on the one part and on the other, before the exchange of the ratifications, or within six months after.

XXIX. Lastly, solemn ratifications of this present treaty, and made in due form, shall be exhibited on both sides at Utrecht, and mutually and duly exchanged within the space of four weeks, to be computed from the day of the signing, or sooner, if possible.

XXX. In witness whereof, we the underwritten ambassadors extraordinary and plenipotentiaries of the queen of Great Britain, and of the most Christian King, have put our seals to these present instruments, subscribed with our own hands, at Utrecht the $\frac{3}{4}$ th day of ^{March}_{April} in the year

1713.

(L. S.) *Joh. Bristol, C. P. S.* (L. S.) *Huxelles.*
(L. S.) *Strafford.* (L. S.) *Mefnager.*

Treaty of Navigation and Commerce between the most serene and most potent princefs Anne, [by the grace of God, Queen of Great Britain, France, and Ireland, and the most serene and most potent Prince Lewis XIV. the most Christian King; concluded at Utrecht the $\frac{3}{4}$ th Day of ^{March}_{April}

1713. Reprinted from the copy published by the Queen's special command.

I. **I**T is agreed and concluded between the most serene and most potent queen of Great Britain, and the most serene and most potent, the most Christian King, that there shall be a reciprocal, and entirely perfect liberty of navigation and commerce, between the subjects on each part, through all and every the kingdoms, states, dominions, and provinces of their royal majesties in Europe,
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concerning all and singular kinds of goods, in those places, and on those conditions, and in such manner and form, as is settled and adjusted in the following articles.

II. But that the commerce and friendship between the subjects of the abovesaid parties may be hereafter secure, and free from all trouble and molestation, it is agreed and concluded, that if at any time any ill understanding, and breach of friendship, or rupture should happen between the crowns of their royal majesties, (which God forbid) in such case the term of six months shall be allowed, after the said rupture, to the subjects and inhabitants on each part, residing in the dominions of the other, in which they themselves may retire, together with their families, goods, merchandizes, and effects, and carry them whithersoever they shall please; as likewise at the same time the selling and disposing of their goods, both moveable and immovable, shall be allowed them freely, and without any disturbance; and in the mean time their goods, effects, wares, and merchandizes, and particularly their persons, shall not be detained or troubled by arrest or seizure: but rather, in the mean while, the subjects on each side shall have and enjoy good and speedy justice, so that, during the said space of six months, they may be able to recover their goods and effects entrusted, as well to the publick, as to private persons.

III. It is likewise agreed and concluded, that the subjects and inhabitants of the kingdoms, provinces, and dominions of each of their royal majesties, shall exercise no acts of hostility and violence against each other, neither by sea, nor by land, nor in rivers, streams, ports or havens, under any colour or pretence whatsoever, so that the subjects of either party shall receive no patent, commission, or instruction, for arming and acting at sea as privateers, nor letters of reprisal, as they are called, from any princes or states, which are enemies to one side or the other; nor by virtue, or under colour of such patents, commissions, or reprisals, shall they disturb, infest, or any way prejudice or damage the abovesaid subjects and inhabitants of the queen of Great Britain, or of the most Christian King; neither shall they arm ships in such manner as is abovesaid, or go out to sea therewith. To which end,

as often as it is required by either side, strict and express prohibitions shall be renewed and published in all the regions, dominions, and territories of each party wheresoever, that no one shall in any wise use such commissions or letters of reprisal, under the severest punishment that can be inflicted on the transgressors, besides restitution and full satisfaction to be given to those, to whom they have done any damage ; neither shall any letters of reprisal be hereafter granted on either side by the said confederates, to the detriment or disadvantage of the subjects of the other, except in such case only as justice is denied or delayed ; to which denial or delay, credit shall not be given, unless the petition of the person who desires the said letters of reprisal, be communicated to the minister residing there on the part of the prince, against whose subjects they are to be granted, that within the space of four months, or sooner, if it be possible, he may evince the contrary, or procure the performance of what is due to justice.

IV. The subjects and inhabitants of each of the aforesaid confederates, shall have liberty, freely and securely, without licence or passport, general or special, by land or by sea, or any other way, to go into the kingdoms, countries, provinces, lands, islands, cities, villages, towns, walled or unwalled, fortified or unfortified, ports, dominions, or territories whatsoever, of the other confederate in Europe, there to enter, and to return from thence, to abide there, or to pass through the same, and in the mean time to buy and purchase as they please, all things necessary for their subsistence and use, and they shall be treated with all mutual kindness and favour. Provided however, that in all these matters they behave and comport themselves conformably to the laws and statutes, and live and converse with each other friendly and peaceably, and keep up reciprocal concord by all manner of good understanding.

V. The subjects of each of their royal majesties may have leave and licence to come with their ships, as also with the merchandizes and goods on board the same (the trade and importation whereof are not prohibited by the laws of either kingdoms) to the lands, countries, cities, ports, places, and rivers of either side in Europe, to enter
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into the same, to resort thereto, to remain and reside there, without any limitation of time; also to hire houses, or to lodge with other people, and to buy all lawful kinds of merchandizes, where they think fit, from the first workman or seller, or in any other manner, whether in the publick market for the sale of things, in mart-towns, fairs, or wheresoever those goods are manufactured or sold; they may likewise lay up and keep in their magazines and ware-houses, and from thence expose to sale merchandizes brought from other parts; neither shall they be in any wise obliged, unless willingly and of their own accord, to bring their said merchandizes to the marts and fairs, on this condition however, that they shall not sell the same by retail in shops, or any where else. But they are not to be loaded with any impositions, or taxes, on account of the said freedom of trade, or for any other cause whatsoever, except what are to be paid for their ships and goods, according to the laws and customs received in each kingdom. And moreover, they shall have free leave, without any molestation, to remove themselves, also if they shall happen to be married, their wives, children, and servants, together with their merchandizes, wares, goods and effects, either bought or imported, whensoever and whithersoever they shall think fit, out of the bounds of each kingdom, by land and by sea, on the rivers and fresh waters, discharging the usual duties, notwithstanding any law, privilege, grant, immunity or custom, in any wise importing the contrary. But in the business of religion, there shall be an entire liberty allowed to the subjects of each of the confederates, as also, if they are married, to their wives and children, neither shall they be compelled to go to the churches, or to be present at the religious worship in any other place. On the contrary they may, without any kind of molestation, perform their religious exercises after their own way, although it be forbid by the laws of the kingdom, privately and within their own walls, and without the admittance of any other persons whatsoever. Moreover, liberty shall not be refused to bury the subjects of either party, who die in the territories of the other, in convenient and decent places, to be appointed for that purpose, as occasion shall require; neither shall the dead bo-

dies of those that are buried, be any ways molested. The laws and statutes of each kingdom shall remain in full force, and shall be duly put in execution, whether they relate to commerce and navigation, or to any other right, those cases only being excepted, concerning which it is otherwise determined in the articles of this present treaty.

VI. The subjects of each party shall pay the tolls, customs, and duties of import and export through all the dominions and provinces of either party, as are due and accustomed. And, that it may be certainly known to every one what are all the said tolls, customs, and duties of import and export, it is likewise agreed, that tables shewing the customs, port-duties, and imposts, shall be kept in publick places, both at London, and in other towns within the dominions of the queen of Great Britain, and at Roan, and other towns of France, where trading is used, whereunto recourse may be had, as often as any question or dispute arises concerning such port-duties, customs, and imposts, which are to be demanded in such manner, and no otherwise, as shall be agreeable to the plain words, and genuine sense of the abovesaid tables. And if any officer, or other person in his name, shall, under any pretence, publickly or privately, directly or indirectly, ask or take of a merchant, or of any other person, any sum of money, or any thing else on account of right, dues, stipend, exhibition, or compensation, although it be under the name of a free gift, or in any other manner, or under any other pretence, more, or otherwise, than what is prescribed above, in such case the said officer, or his deputy, if he be found guilty, and convicted of the same before a competent judge, in the country where the crime was committed, shall give full satisfaction to the party that is wronged, and shall likewise be punished according to the direction of the laws.

VII. Merchants, masters of ships, owners, mariners, men of all kinds, ships, and all merchandizes in general, and effects of one of the confederates, and of his subjects and inhabitants, shall on no publick or private account, by virtue of any general or special edict, be seized in any the lands, ports, havens, shores, or dominions whatsoever of the

the other confederate for the publick use, for warlike expeditions, or for any other cause, much less for the private use of any one, shall they be detained by arrests, compelled by violence, or under any colour thereof, or in any wise molested or injured. Moreover, it shall be unlawful for the subjects of both parties, to take any thing, or to extort it by force, except the person to whom it belongs consent, and it be paid for with ready money. Which, however, is not to be understood of that detention and seizure, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debt, or crimes, in respect whereof the proceeding must be by way of law, according to the form of justice.

VIII. Furthermore, it is agreed and concluded as a general rule, that all and singular the subjects of the most serene queen of Great Britain, and of the most serene the most Christian King, in all countries and places subject to their power on each side, as to all duties, impositions, or customs whatsoever, concerning persons, goods and merchandizes, ships, freights, seamen, navigation and commerce, shall use and enjoy the same privileges, liberties, and immunities at least, and have the like favour in all things, as well in the courts of justice, as in all such things as relate either to commerce, or to any other right whatever, which any foreign nation, the most favoured, has, uses, and enjoys, or may hereafter have, use, and enjoy.

IX. It is further agreed, that within the space of two months after a law shall be made in Great Britain, whereby it shall be sufficiently provided, that no more customs or duties be paid for goods and merchandizes brought from France to Great Britain, than what are payable for goods and merchandizes of the like nature, imported into Great Britain, from any other country in Europe; and that all laws made in Great Britain since the year 1664, for prohibiting the importation of any goods and merchandizes coming from France, which were not prohibited before that time, be repealed, the general tariff made in France the 18th day of September, in the year 1664, shall take place there again, and the duties payable in France by the subjects of Great Britain, for goods import-

ed and exported, shall be paid according to the tenor of the tariff abovementioned, and shall not exceed the rule therein settled, in the provinces whereof mention is there made, and in the other provinces the duty shall not be payable, otherwise than according to the rule at that time prescribed; and all prohibitions, tariffs, edicts, declarations or decrees, made in France since the said tariff of the year 1664, and contrary thereunto, in respect to the goods and merchandizes of Great Britain, shall be repealed. But whereas it is urged on the part of France, that certain merchandizes, that is to say, manufactures of wool, sugar, salted fish, and the product of whales, be excepted out of the rule of the abovementioned tariff, and likewise other heads of matters belonging to this treaty remain, which having been proposed on the part of Great Britain, have not yet been mutually adjusted, a specification of all which is contained in a separate instrument subscribed by the ambassadors extraordinary and plenipotentiaries on both sides; it is hereby provided and agreed, that within two months from the exchange of the ratifications of this treaty, commissaries on both sides shall meet at London, to consider of, and remove the difficulties concerning the merchandizes to be excepted out of the tariff of the year 1664, and concerning the other heads, which, as is above-said, are not yet wholly adjusted. And at the same time the said commissaries shall likewise endeavour, (which seems to be very much for the interest of both nations) to have the methods of commerce on one part, and of the other, more thoroughly examined, and to find out and establish just and beneficial means on both sides for removing the difficulties in this matter, and for regulating the duties mutually. But it is always understood and provided, that all and singular the articles of this treaty, do in the mean while remain in their full force, and especially that nothing be deemed, under any pretence whatsoever, to hinder the benefit of the general tariff of the year 1664, from being granted to the subjects of her royal majesty of Great Britain, and the said British subjects, from having and enjoying the same, without any delay or tergiversation, within the space of two months after a law is made in Great Britain, as abovesaid, in as ample manner and form as the
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subjects of any nation, the most favoured, might have and enjoy the benefit of the aforesaid tariff, any thing to be done, or discussed by the said commissaries, to the contrary in any wise notwithstanding.

X. The duties on tobacco imported into France, either in the leaf, or prepared, shall be reduced hereafter to the same moderate rate, as the said tobacco, of the growth of any country in Europe or America, being brought into France, does or shall pay. The subjects on both sides shall also pay the same duties in France for the said tobacco; there shall be likewise an equal liberty of selling it; and the British subjects shall have the same laws as the merchants of France themselves have and enjoy.

XI. It is likewise concluded, that the imposition or tax of 50 *Sols Tournois*, laid on British ships in France for every tun, shall wholly cease, and be from henceforward annulled. In like manner the tax of five shillings sterling, laid on French ships in Great Britain for every tun, shall cease; neither shall the same, or any the like impositions, be laid hereafter on the ships of the subjects on either side.

XII. It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other the subjects of the queen of Great Britain, in all places of France, to manage their own business themselves, or to commit them to the management of whomsoever they please, nor shall they be obliged to make use of any interpreter, or broker, nor to pay them any salary, unless they chuse to make use of them. Moreover, masters of ships shall not be obliged, in loading or unloading their ships, to make use of those workmen, either at Bourdeaux, or in any other places, as may be appointed by publick authority for that purpose; but it shall be entirely free for them to load or unload their ships by themselves, or to make use of such persons in loading or unloading the same, as they shall think fit, without the payment of any salary to any other whomsoever; neither shall they be forced to unload any sort of merchandizes, either into other ships, or to receive them into their own, or to wait for their being loaded longer than they please. And all and every the subjects of the most Christian King,

shall reciprocally have and enjoy the same privileges and liberty, in all places in Europe subject to the dominion of Great Britain.

XIII. It shall be wholly lawful and free for merchants and others, being subjects either to the queen of Great Britain, or to the most Christian King, by will, and any other disposition made, either during the time of sickness, or at any other time before, or at the point of death, to devise or give away their merchandizes, effects, money, debts, belonging to them, and all moveable goods, which they have, or ought to have at the time of their death, within the dominions, and any other places belonging to the queen of Great Britain, and to the most Christian King. Moreover, whether they die, having made their will, or intestate, their lawful heirs and executors, or administrators, residing in either of the kingdoms, or coming from any other part, although they be not naturalized, shall freely and quietly receive and take possession of all the said goods and effects whatsoever, according to the laws of Great Britain and France respectively; in such manner however, that the wills, and right of entering upon the inheritances of persons intestate, must be proved according to law, as well by the subjects of the queen of Great Britain, as by the subjects of the most Christian King, in those places where each person died, whether that may happen in Great Britain, or in France, any law, statute, edict, custom, or *Droit d'Aubene* whatever to the contrary notwithstanding.

XIV. A dispute arising between any commander of the ships on both sides, and his seamen in any port of the other party, concerning wages due to the said seamen, or other civil causes, the magistrate of the place shall require no more from the person accused, than that he give to the accuser a declaration in writing, witnessed by the magistrate, whereby he shall be bound to answer that matter before a competent judge in his own country, which being done, it shall not be lawful either for the seamen to desert their ship, or to hinder the commander from prosecuting his voyage. It shall moreover be lawful for the merchants on both sides, in the places of their abode, or elsewhere, to keep books of their accounts, and
affairs,

affairs, as they shall think fit, and to have an intercourse of letters, in such language or idiom, as they shall please, without any molestation or search whatsoever. But if it should happen to be necessary for them to produce their books of accounts for deciding any dispute and controversy, in such case they shall be obliged to bring into court the entire books or writings, but so as that the judge may not have liberty to inspect any other articles in the said books, than such as shall relate to the testimony, or authority in question, or such as shall be necessary to give credit to the said books; neither shall it be lawful, under any pretence, to take the said books or writings forcibly out of the hands of the owners, or to retain them; the case of bankruptcy only excepted; neither shall the said subjects of the queen of Great Britain, be obliged to write their accounts, copies of letters, acts or instruments relating to trade, on stamped paper, in French, *Papier timbre*, except their day-book, which, that it may be produced as evidence in any law-suit, ought, according to the laws, which all persons trading in France are to observe, to be subscribed gratis by the judge, and signed with his own hand.

XV. It shall not be lawful for any foreign privateers, not being subjects of one or of the other of the confederates, who have commissions from any other prince, or state, in enmity with either nation, to fit their ships in the ports of one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatever to exchange either ships, merchandizes, or any other ladings; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince from whom they have commissions.

XVI. The ships of both parties being laden, sailing along the coasts, or shores of the other, and being forced by storm into the havens or ports, or coming to land in any other manner, shall not be obliged there to unlade their goods, or any part thereof, or to pay any duty, unless they do, of their own accord, unlade their goods there, or dispose of any part of their lading: but it may be lawful to take out of the ship, and to sell, leave being

first obtained from those who have the inspection of sea-affairs, a small part of their lading, for this end only, that necessaries, either for the refreshment or victualing of the ship may be purchased; and in that case the whole lading of the ship shall not be subject to pay the duties, but that small part only, which has been taken out and sold.

XVII. It shall be lawful for all and singular the subjects of the queen of Great Britain, and of the most Christian King, to sail with their ships, with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandizes laden thereon, from any port to the places of those who are now, or shall be hereafter at enmity with the queen of Great Britain, or the most Christian King; it shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And as it is now stipulated concerning ships and goods, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either of their majesties, contraband goods being always excepted, on the discovery whereof matters shall be managed according to the sense of the subsequent articles. It is also agreed in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both, or to either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

XVIII. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only
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which follow in the next article, and which are signified by the name of contraband.

XIX. Under this name of contraband, or prohibited goods, shall be comprehended arms, great guns, bombs, with their fuses, and other things belonging to them ; fire-balls, gunpowder, match, cannon-ball, pikes, swords, lances, spears, halberds, mortars, petards, granadoes, saltpetre, muskets, musket-ball, helmets, head-pieces, breast-plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever.

XX. These merchandizes which follow, shall not be reckoned among prohibited goods, that is to say, all sorts of clothes, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever ; all kinds of clothes and wearing apparel, together with the species whereof they are used to be made ; gold and silver, as well coined as uncoined, tin, iron, lead, copper, brass, coals ; as also wheat and barley, and any other kind of corn and pulse ; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salt, and, in general, all provisions which serve for the nourishment of mankind, and the sustenance of life. Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sailcloths, anchors, and any parts of anchors ; also ship-masts, planks, boards and beams of what trees soever ; and all other things proper either for building or repairing ships ; and all other goods whatever, which have not been worked into the form of any instrument, or thing prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use ; all which shall wholly be reckoned among free goods, as likewise all other merchandizes and things which are not comprehended, and particularly mentioned in the preceding article, so that they may be transported, and carried in the freest manner by the subjects of both confederates, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up round about, or invested.

XXI. To the end that all manner of dissensions and quarrels may be avoided and prevented on one side, and the other, it is agreed, that in case either of their royal majesties, who are allied, should be engaged in war, the ships and vessels belonging to the subjects of the other ally, must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the princes; which passports shall be made out and granted, according to the form annexed to this treaty; they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden, are to be provided, not only with passports, as abovementioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known, whether any forbidden or contraband goods, as are enumerated in the 19th article of this treaty, be on board the same, which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form. And if any one shall think it fit, or adviseable, to express in the said certificates, the person to whom they belong, he may freely do so.

XXII. The ships of the subjects and inhabitants of both their most serene royal majesties, coming to any of the sea-coasts within the dominions of either of the confederates, but not willing to enter into port, or being entered, yet not being willing to shew or to sell the cargoes of their ships, shall not be obliged to give an account of their lading, unless they are suspected upon sure evidence, of carrying to the enemies of the other confederate prohibited goods, called contraband.

XXIII. And in case of the said manifest suspicion, the said subjects and inhabitants of the dominions of both their most serene royal majesties, shall be obliged to exhibit in the ports their passports and certificates, in the manner before specified.

XXIV. But in case the ships of the subjects and inhabitants of both their most serene royal majesties, either on the

the sea-coast, or on the high seas, shall meet with the men of war of the other, or with privateers, the said men of war and privateers, for preventing any inconveniencies, are to remain out of cannon-shot, and to send a boat to the merchant-ship, which has been met with, and shall enter her with two or three men only, to whom the master or commander of such ship or vessel shall shew his passport, concerning the property thereof, made out according to the form annexed to this present treaty and the ship which shall exhibit one, shall have free passage, and it shall be wholly unlawful any way to molest her, search, or compel her to quit her intended course.

XXV. But that merchant ship of the other party, which intends to go to a port at enmity with the other confederate, or concerning whose voyage, and the sort of goods on board, there may be just suspicion, shall be obliged to exhibit, either on the high seas, or in the ports and havens, not only her passports, but her certificates, expressing, that they are not of the kind of goods prohibited, which are specified in the 19th article.

XXVI. But if one party, on the exhibiting the above-said certificates, mentioning the particulars of the things on board, should discover any goods of that kind which are declared contraband or prohibited by the 19th article of this treaty, designed for a port subject to the enemy of the other, it shall be unlawful to break up the hatches of that ship, wherein the same shall happen to be found, whether she belong to the subjects of Great Britain, or of France, to open the chests, packs, or casks therein, or to remove even the smallest parcel of the goods, unless the lading be brought on shore, in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner, unless after that due and lawful process shall have been had against such prohibited goods, and the judges of the admiralty respectively shall, by a sentence pronounced, have confiscated the same, saving always as well the ship itself, as the other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being, as it were, infected by the prohibited goods, much less shall they

they be confiscated as lawful prize: but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them, in such case the captor having received those goods, shall forthwith discharge the ship, and not hinder her, by any means, freely to prosecute the voyage on which she was bound.

XXVII. On the contrary it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemy of the other, and his subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated, in the same manner as if it belonged to the enemy himself; except those goods and merchandizes as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done within the time and limits following; that is to say, if they were put on board such ship, in any port and place within the space of six weeks after such declaration, within the bounds called the Naze in Norway, and the Soundings; of two months from the Soundings to the city of Gibraltar; of ten weeks in the Mediterranean Sea; and of eight months in any other country or place in the world; so that the goods of the subjects of either prince, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, within the time, and limits abovesaid, shall no ways be liable to confiscation, but shall well and truly be restored, without delay, to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to the ports belonging to the enemy.

XXVIII. And that more abundant care may be taken for the security of the subjects of both their most serene royal majesties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of the queen of Great Britain, and of the most Christian King, and all their subjects, shall be forbid doing any injury or damage to the other side; and if they

they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all cause of damage, and the interest thereof, by reparation, under the bond and obligation of their person and goods.

XXIX. For this cause all commanders of privateers, before they receive their patents, or special commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by good bail, who are men able to pay, and have no interest in the said ship, and are each bound in the whole, for the sum of 1500 l. sterling, or 16500 *Livres Tournois*; or if such ship be provided with above one hundred and fifty seamen or soldiers, for the sum of 3000 l. sterling, or 33000 *Livres Tournois*, that they will make entire satisfaction for any damages and injuries whatsoever, which they, or their officers, or others in their service, commit during their course at sea, contrary to this present treaty, or the edicts of either of their most serene royal majesties, published by virtue thereof; under penalty likewise of having their special commissions and patents revoked and annulled.

XXX. Both their abovenamed royal majesties being willing to shew a mutual and equal favour in all their dominions respectively, to the subjects of each other, in the same manner as if they were their own subjects, will give such orders as shall be necessary and effectual, that justice be administered concerning prizes in the court of admiralty, according to the rule of equity and right, and the articles of this treaty, by judges who are above all suspicion, and who have no manner of interest in the cause in dispute.

XXXI. Whensoever the ambassadors of each of their royal majesties abovenamed, and other their ministers, having a publick character, and residing in the court of the other prince, shall complain of the unjustness of the sentences which have been given, their majesties on each side, shall take care, that the same be revised and re-examined in their respective councils, that it may appear whether the directions and provisions prescribed in this treaty have been observed, and have had their due effect: they shall likewise take care, that this matter be effectually provided for, and that right be done to every complainant, within

within the space of three months. However, before or after judgment given, the revision thereof still depending, for the avoiding of all damage, it shall not be lawful to sell the goods in dispute, or to unlade them, unless with the consent of the persons concerned.

XXXII. A suit being commenced between the captors of prizes on one part, and the reclaimers of the same on the other, and a sentence or decree being given in favour of the claimer, that same sentence or decree, security being given, shall be put in execution, the appeal of the captor to a superior judge in any wise notwithstanding; which, however, is not to be observed when judgment has been given against the claimer.

XXXIII. In case that either ships of war, or merchantmen, forced by storm, or other misfortune, be driven on rocks or shelves on the coasts of one or the other party, and are there broken to pieces, and ship-wrecked, whatever part of the ships, or tackling thereof, as also of the goods and merchandizes shall be saved, or the produce thereof, shall be faithfully restored to the proprietors, reclaimers, or their factors, paying only the expences of preserving the same, in such manner as it may be settled on both sides concerning the rate of salvage: saving, at the same time, the rights and customs of each nation. And both their most serene royal majesties will interpose their authority, that such of their subjects may be severely punished, who in the like accident shall be found guilty of inhumanity.

XXXIV. It shall be free for the subjects of each party, to employ such advocates, attornies, notaries, solicitors, and factors, as they shall think fit; to which end the said advocates, and others abovementioned, may be appointed by the ordinary judges, if it be needful, and the judges be required thereunto.

XXXV. And that commerce and navigation may be more securely and freely followed, it is further agreed, that neither the queen of Great Britain, nor the most Christian King, shall receive any pirates and robbers, into any of their ports, havens, cities or towns, neither shall they permit them to be received into their ports to be protected, or assisted, by any manner of harbouring, or support,

support, by any the subjects or inhabitants of either of them ; but they shall rather cause all such pirates and sea-robbers, or whoever shall receive, conceal, or assist them, to be apprehended, and punished as they deserve, for a terror and example to others. And all the ships, goods, or merchandizes, being piratically taken by them, and brought into the ports of the kingdom of either, as much as can be found, although they have by sale been conveyed to others, shall be restored to the lawful owners, or their deputies, having instruments of delegation, and an authority of procuration for reclaiming the same ; and indemnification shall be made, proper evidence being first given in the court of admiralty, for proving the property. And all ships and merchandizes, of what nature soever, which can be rescued out of their hands on the high seas, shall be brought into some port of either kingdom, and shall be delivered to the custody of the officers of that port, with this intention, that they be delivered entire to the true proprietor, as soon as due and sufficient proof shall have been made concerning the property thereof.

XXXVI. It shall be lawful, as well for the ships of war of both their most serene royal majesties, as for privateers, to carry whithersoever they please, the ships and goods taken from their enemies, neither shall they be obliged to pay any thing to the officers of the admiralty, or to any other judges, nor shall the aforementioned prizes, when they come to, and enter the ports of either of their most serene royal majesties, be detained by arrest, neither shall searchers, or other officers of those places, make examination concerning them, or the validity thereof ; but rather, they shall have liberty to hoist sail at any time, to depart, and to carry their prizes to that place, which is mentioned in their commission or patent, which the commanders of such ships of war shall be obliged to shew : on the contrary, no shelter or refuge shall be given in their ports to such as have made a prize upon the subjects of either of their royal majesties. And if perchance such ships shall come in, being forced by stress of weather, or the danger of the sea, particular care shall be taken, (as far as it is not repugnant to former treaties made with other kings

kings and states) that they go from thence, and retire elsewhere, as soon as possible.

XXXVII. Neither of their most serene royal majesties, shall permit that the ships or goods of the other be taken upon the coasts, or in the ports, or rivers of their dominions, by ships of war, or others having commission from any prince, commonwealth, or town whatsoever. And in case such a thing should happen, both parties shall use their authority and united force, that the damage done be made good.

XXXVIII. If hereafter it shall happen through inadvertency, or otherwise, that any contraventions, or inconveniencies on either side arise concerning the observation of this treaty, the friendship and good intelligence shall not immediately thereupon be broke off; but this treaty shall subsist in all its force, and a proper remedy for removing the inconveniencies shall be procured, as likewise reparation of the contraventions; and if the subjects of the one or the other be found in fault, they only shall be severely punished and chastized.

XXXIX. But if it shall appear that a captor made use of any kind of torture upon the master of the ship, the ship's crew, or others who shall be on board any ship belonging to the subjects of the other party; in such case, not only the ship itself, together with the persons, merchandizes, and goods whatsoever, shall be forthwith released without any further delay, and set entirely free, but also such as shall be found guilty of so great a crime, as also the accessaries thereunto, shall suffer the most severe punishment, suitable to their crime; this the queen of Great Britain, and the most Christian King, do mutually engage shall be done, without any respect of persons.

Form of the Passports to be desired of, and given by the Lord High Admiral of Great Britain, &c. or by the Lords Commissioners for executing the Office of High Admiral of Great Britain, &c. according to the direction of the 21st Article of this Treaty.

TO all to whom these presents shall come, greeting.
We high admiral of Great Britain, &c.
(or)

(or) We commissioners for executing the office of high admiral of Great Britain, &c. do make known and testify by these presents, that A. B. of C. the usual place of his dwelling, master or commander of the ship called D. appeared before us, and declared by solemn oath, (or) produced a certificate under the seal of the magistrate, or of the officers of the customs of the town and port of E. Dated the

day of the month of in the year of our Lord 17 of and concerning the oath made before them, that the said ship and vessel D. burthen tons, whereof he himself is at this time master or commander, doth really and truly belong to the subjects of her most serene majesty our most gracious sovereign. And whereas it would be most acceptable to us, that the said master or commander should be assisted in the affairs wherein he is justly and honestly employed, we desire you, and all and every of you, that wheresoever the said master or commander shall bring his ship, and the goods on board thereof, you would cause him to be kindly received, to be civilly treated, and in paying the lawful and accustomed duties, and other things, to be admitted, to enter, to remain in, to depart out of your ports, rivers, and dominions, and to enjoy all manner of right, and all kind of navigation, traffick, and commerce, in all places where he shall think it proper and convenient. For which we shall always be most willing and ready to make returns to you in a grateful manner. In witness and confirmation whereof, we have signed these presents, and caused our seal to be put thereunto. Given at the day of the month of in the year 17

Form of the Certificates to be required of, and to be given by the Magistrate, or officers of the customs of the Town and Port, in their respective Towns and Ports, to the ships and vessels which sail from thence, according to the direction of the 21st article of this present treaty.

WE A. B. magistrate (or) officers of the customs of the town and port of C. do certify and attest, that on the day of the month Vol. I. M of

of In the year of our Lord 17 D. E. of F.
personally appeared before us, and declared by
a solemn oath, that the ship or vessel called G. of
about tons, whereof H. I. of K. his usual place
of habitation, is master or commander, does rightfully and
properly belong to him and others, subjects of her most se-
rene majesty, our most gracious sovereign, and to them
alone: that she is now bound from the port of L.
to the port of M. laden with the goods and mer-
chandizes hereunder particularly described and enumerat-
ed, that is to say, as follows :

In witness whereof we have signed this certificate, and sealed it with the seal of our office. Given the day of the month of in the year of our Lord 17

Form of the Passports and Letters, which are to be given in the Admiralty of France, to the ships and barks, which shall go from thence, according to the 21st article of this present treaty.

LEWIS, count of Thoulouse, admiral of France, to all who shall see these presents, greeting. We make known, that we have given leave and permission to master and commander of the ship called _____ of the town of _____ burthen _____ tons, or thereabouts, lying at present in the port and haven of _____ and bound for _____ and laden with _____ after that his ship has been visited, and before sailing, he shall make oath before the officers, who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of his majesty, the act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list signed, and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board, without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship, he shall shew this present leave to the officers and judges of the marine, and

and shall give a faithful account to them of what passed and was done during his voyage. And he shall carry the colours, arms and ensigns of the king, and of us during his voyage. In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by our secretary of the marine at
the day of 17 Signed
LEWIS, count of Thoulouse, and underneath by

Form of the Act containing the Oath.

WE of the admiralty of do certify,
that master of the ship named in the above passport, has taken the oath mentioned therein.
Done at the day of 17

XL. The present treaty shall be ratified by the queen of Great Britain, and by the most Christian King, and the ratifications thereof shall be duly exchanged at Utrecht; within four weeks, or sooner, if possible.

XLI. In witness whereof, we the underwritten ambassadors extraordinary and plenipotentiaries of the queen of Great Britain, and of the most Christian King, have set our hands and seals to this present treaty, at Utrecht the 3^d day of ^{March} April in the year of our Lord 1713.

(L. S.) *Joh. Bristol*, C. P. S.

(L. S.) *Huxelles*.

(L. S.) *Strafford*.

(L. S.) *Mefnager*.

BE it known unto all men, that whereas in the 9th article of the treaty of commerce, concluded this day between the most serene queen of Great Britain, and the most serene the most Christian King, by their majesties ambassadors extraordinary, and plenipotentiaries, mention is made of some heads of matters, which being proposed on the part of Great Britain, have not as yet been mutually adjusted; and therefore it was thought fit to refer them to be discussed and determined by commissioners: we therefore the underwritten ambassadors, that it may certainly appear what are those heads of matters which are to be referred to commissioners, have resolved to

give a particular description of them in this writing; declaring that they are the same, and no other than what follow:

I. **N**O manufactures of either kingdom, and the dominions belonging thereunto, shall hereafter be subject to be inspected and confiscated, under any pretence of fraud or defect in making or working them, or because of any other imperfection therein; but absolute freedom shall be allowed to the buyer and seller to bargain and agree for the same, as they shall see good; any law, statute, edict, arrest, privilege, grant, or custom, to the contrary notwithstanding.

II. And so far as a certain usage, not confirmed by any law, has obtained in several towns of Great Britain and France; that is to say, that every one for coming in, and going out, shall pay a kind of tax, called in English, *Head-Money*, and in French, *Du Chef*, it is concluded, that neither the same, nor any other duty on that account, shall any more be exacted.

III. And the British merchants shall not hereafter be forbidden to sell the said tobacco to any buyer whom they please, for which purpose, the letting out the duties on the said tobacco to farmers, which has been hitherto practised, shall cease, neither shall such farming be used again hereafter.

IV. The following case only being excepted, that is to say, where British ships shall take up merchandizes in one port, and carry them to another port of France, in which case, and in no other, the British subjects shall be obliged to pay the duties abrogated and abolished by this article, only in proportion to the goods which they take in, and not according to the bulk of the ship.

V. Whereas several kinds of goods, contained in casks, chests, or other cases, for which the duties are paid by weight, will be exported from, and imported into France by British subjects, it is therefore agreed, that in such case the aforesaid duties shall be payable only according to the weight of the goods themselves, but the weight of the casks, chests, and other cases whatever, shall be deducted in such manner,

manner, and in such proportion, as has been hitherto in use in England, and is still practised.

VI. It is further agreed, that if any mistake or error shall on either side be committed by any master of a ship, his interpreter, or factor, or by others employed by him, in making the entry or declaration of the goods on board his ship, for such defect, if so be some fraud does not evidently appear, neither the ship nor the lading thereof shall be subject to be confiscated, but it shall be free for the proprietors to take back again such goods as were omitted in the entry or declaration of the master of the ship, paying only the accustomed duties according to the rates settled in the books; neither shall the merchants, or the master of the ship, lose the said goods, or suffer any other punishment, if so be that the said goods, so omitted, were not brought on shore, before the declaration made, and the customs paid for the same.

VII. And whereas the quality of the ship, master, and goods, will sufficiently appear from such passports and certificates, it shall not be lawful for the commanders of men of war to exact any other verification under any title whatsoever. But if any merchant ship shall want such passports or certificates, then it may be examined by a proper judge, but in such manner, as if it shall be found from other proofs and documents, that it does truly belong to the subjects of either of the confederates, and does not contain any prohibited goods, designed to be carried to the enemy of the other, it shall not be liable to confiscation, but shall be released, together with its cargo, in order to proceed on its voyage, since it may often happen that such papers could not come to the ship when she was setting sail from any port, or that they have been lost by some chance or other, or that they have been taken away from the ship. And if, besides the passports and certificates made according to the form of their treaty, other passports and certificates happen to be found in the ship, in another form, and perhaps according to the prescription of treaties made with others, no pretence shall be taken from thence, of detaining, or in any wise molesting, either the ship, or men, or goods. If the master of the ship named in the passports be removed by death, or any other cause, and another be

put in his place, the passports shall nevertheless retain their force, and the ships, and goods laden thereon, shall be secure.

VIII. It is further provided on both sides, and shall be taken for a general rule, that a ship and goods, although they have remained in the enemies power for four and twenty hours, shall not therefore be esteemed as capture, and be immediately made prize; but, if on other accounts they ought to be restored, they may be reclaimed, and shall be given again to the proprietors.

IX. It shall be free for both their royal majesties, for the advantage of their subjects, trading to the kingdoms and dominions of the other, to constitute national consuls of their own subjects, who shall enjoy that right and liberty which belongs to them by reason of the exercise of their function; but as to the places where such consuls are to be appointed, both sides shall afterwards agree between themselves.

In witness whereof, we the ambassadors extraordinary and plenipotentiaries of her sacred royal majesty of Great Britain, and of his sacred royal most Christian Majesty, have subscribed this present instrument with our hands, and set our seals thereunto. At Utrecht, the $\frac{31}{11}$ day of the month of ^{March}_{April} in the year 1713.

(L. S.) *Joh. Bristol, C. P. S.*
(L. S.) *Strafford.*

(L. S.) *Huxelles.*
(L. S.) *Mefnager.*

BE it known unto all men, that whereas in the 9th article of the treaty of navigation and commerce, concluded the $\frac{31}{11}$ day of ^{March}_{April} 1713, between the most serene queen of Great Britain, and the most serene the most Christian King, by the ambassadors extraordinary and plenipotentiaries of their majesties, certain merchandizes, namely, woollen manufactures, sugar, salt fish, and what is produced from whales, are excepted in general words from the rule of the Tariff made the 18th day of the month of September, in the year 1664, in order to be afterwards referred to the discussion of commissaries; to prevent therefore all mistakes and ambiguity, which might perhaps arise from

from such general terms, and to make it more evidently appear what particular sorts of goods are to come under the consideration of the aforesaid commissaries. We the underwritten ambassadors extraordinary and plenipotentiaries, have declared by these presents, and do declare, that the exception of the abovementioned merchandizes, is to be understood in the manner following :

I. **W** Halebone cut and prepared, fins and oils of whales, shall pay at all places of importation in the kingdom, the duties appointed by the Tariff of the 7th of December, 1699.

II. Clothes, ratines, and serges, shall be likewise subject to the same duties of the Tariff of the 7th of December, 1699, and in order to facilitate the trade thereof, it shall be allowed to import them by St. Valery upon the Somme, by Rouen, and by Bourdeaux, where these goods shall be subject to visitation in the same manner as those which are made in the kingdom.

III. Salt fish in barrels only is to be imported into the kingdom, and at all places of entrance in the kingdom, countries, and territories under the dominion of the king, even at all free ports, the duties of landing and of consumption shall be paid, which were appointed before the Tariff of 1664, and besides 40 livres per last, consisting of 12 barrels, weighing each 300 lb. for the duty of entry, which entry shall not be permitted but by St. Valery upon the Somme, Rouen, Nants, Libourne, and Bourdeaux, and shall remain prohibited at all other harbours or ports, as well in the Ocean as in the Mediterranean.

IV. Refined sugar in loaf or in powder, white and brown sugar candy, shall pay the duties appointed by the Tariff of 1699.

In confirmation of which, we the underwritten ambassadors extraordinary, and plenipotentiaries of her majesty the queen of Great Britain, and the most Christian King, have signed and sealed these presents at Utrecht, the ²⁸/₅ day of ^{April}/_{May}, in the year 1713.

(L. S.) *Joh. Bristol, C. P. S.*

(L. S.) *Strafford.*

(L. S.) *Huxelles.*

(L. S.) *Mefnager.*

Treaty of Peace and Friendship between the most serene and most potent princeſs Anne, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. and the moſt ſerene and moſt potent Prince Philip V. the Catholick King of Spain, concluded at Utrecht, the 11th Day of July, 1713. Reprinted from the Copy published by the Queen's ſpecial Command.

I. **T**HAT there be a chriſtian univerſal peace, and a perpetual and true friendſhip, between the moſt ſerene and moſt mighty princeſs Anne, queen of Great Britain, and the moſt ſerene and moſt mighty prince Philip V. the Catholick King of Spain, and their heirs and ſucceſſors, and alſo the kingdoms, ſtates, dominions, and provinces of both parties, whereſoever ſituated, and their ſubjects; and that the ſame be ſo ſincerely preſerved and cultivated, that neither party do, under any colour whatever, endeavour to attempt any thing to the deſtruction or detriment of the other, or yield any aid, by what name ſoever it be called, to thoſe who attempt the ſame, or who endeavour to do any damage, neither may or ought they to help them by any means. On the contrary, their royal majeſties ſhall be obliged, the one to promote the advantage, honour, and intereſt of the other, and to direct their councils to that end with all care, that by mutual proof of friendſhip, the peace which is now made, may daily receive new additions of ſtrength.

II. But whereas the war, which is ſo happily ended by this peace, was at the beginning undertaken, and was carried on for ſo many years with the utmoſt force, at im-
menſe charge, and with almoſt infinite ſlaughter, becauſe of the great danger which threatened the liberty and ſafety of all Europe, from the too cloſe conjunction of the kingdoms of Spain and France. And whereas, to take away all uneaſineſs and ſuſpicion, concerning ſuch conjunction, out of the minds of people, and to ſettle and eſtabliſh the peace and tranquility of chriſtendom, by an equal balance of power, (which is the beſt and moſt ſolid foundation

ation of a mutual friendship, and of a concord which will be lasting on all sides) as well the Catholick King, as the most Christian King, have consented, that care should be taken by sufficient precautions, that the kingdoms of Spain and France should never come and be united under the same dominion, and that one and the same person should never become king of both kingdoms. And to this end his Catholick Majesty has for himself, his heirs, and successors, most solemnly renounced all manner of right, title, and pretension to the crown of France, in the form and words following:

[The instruments of renunciation, are exactly the same with those already inserted in the treaty with France of this date.]

His said Catholick Majesty hereby renews and confirms the most solemn renunciation abovementioned, made on his part; and as it has obtained the force of a general and fundamental law, he engages again in the most sacred manner possible, that he will observe, and take care that the same be observed inviolably, and he will likewise use his utmost diligence, and provide with the greatest earnestness, that the aforesaid renunciations may be irrevocably observed, and put in execution, as well on the part of Spain, as on the part of France, so far as while they subsist in their full force, and are faithfully kept on both sides, as also the other transactions relating thereto, the crowns of Spain and France will be so separated and divided from each other, that they can never hereafter be united in one.

III. That there be a perpetual amnesty on both sides, and oblivion of all things which have been in an hostile manner committed in any place, or by any way, on one side and on the other, during the late war. So that neither on account thereof, nor by reason or under pretence of any other matter, shall the one any way do, or suffer to be done, any enmity to the other, or give any molestation, directly or indirectly, under colour of right, or by way of fact.

IV. All and singular the prisoners on each side, of what state or condition soever they be, shall immediately after the ratification of this present treaty, be restored to their former liberty, without any ransom, paying only such debts

debts as they may have contracted, during their being prisoners,

V. Moreover, for giving a greater and more lasting strength to the peace which is restored, and to this friendship, which is never to be violated, and for cutting off all occasions of distrust, which may at any time arise from the established right and order of the hereditary succession to the crown of Great Britain, and the limitation thereof by the laws of Great Britain, (made and enacted in the reign of the late king William III. of glorious memory, and in the reign of the present queen) to the issue of the abovenamed queen, and in failure thereof to the most serene princess Sophia, electress dowager of Brunswick, and her heirs, in the protestant line of Hanover. That therefore the said succession may be well and securely preserved, according to the laws of Great Britain, the Catholick King sincerely and solemnly acknowledges the abovementioned limitation of the succession to the kingdom of Great Britain; and declares and engages, on the faith and word of a king, and on the pledge of his and his successors honour, that the same is, and shall for ever be, approved and accepted by him, and his heirs, and successors; and, under the same tie of the word of a king and his honour, the Catholick King does promise, that no person besides the said queen, and her successors, according to the order of limitation established by the laws and statutes of Great Britain, shall ever be acknowledged, or reputed by him, or by his heirs and successors, to be king or queen of Great Britain.

VI. The Catholick King doth further promise, as well in his own name, as in that of his heirs and successors, that they will not at any time disturb or molest the said queen of Great Britain, her heirs and successors, of the protestant line, as aforesaid, being in possession of the crown of Great Britain, and the dominions subject thereunto; neither will the aforesaid Catholick King, or any of his successors, give at any time any aid, succour, favour, or counsel, directly or indirectly, by land or by sea, in money, arms, ammunition, warlike instruments, ships, foldiers, seamen, or in any other manner whatever, to any person or persons, whosoever they be, who on any cause
or

or pretence should hereafter endeavour to oppose the said succession, either by open war, or by encouraging sedition, and forming conspiracies against such prince and princesses, who are in possession of the throne of Great Britain, by virtue of the acts of parliament there made, or against that prince or princess to whom the succession to the crown of Great Britain shall belong, according to the acts of parliament, as abovesaid.

VII. That the ordinary distribution of justice be restored, and open again through the kingdoms and dominions of each of their royal majesties, so that it may be free for all the subjects on both sides, to prosecute and obtain their rights, pretensions and actions, according to the laws, constitutions and statutes of each kingdom. And especially if there be any complaints concerning injuries or grievances, which have been done contrary to the tenor of the treaties, either in time of peace, or at the beginning of the war lately ended, care shall be taken that the damages be forthwith made good, according to the rule of justice.

VIII. That there be a free use of navigation and commerce between the subjects of each kingdom, as it was heretofore, in time of peace, and before the declaration of this late war, in the reign of Charles II. of glorious memory, Catholick king of Spain, according to the treaties of friendship, confederation, and commerce, which were formerly made between both nations, according to ancient customs, letters patents, cedulas, and other particular acts; and also according to the treaty or treaties of commerce which are now, or will forthwith be made at Madrid. And whereas, among other conditions of the general peace, it is by common consent established as a chief and fundamental rule, that the exercise of navigation and commerce to the Spanish West-Indies, should remain in the same state it was in the time of the abovesaid king Charles II. That therefore this rule may hereafter be observed with inviolable faith, and in a manner never to be broken, and thereby all causes of distrust and suspicion, concerning that matter, may be prevented and removed, it is especially agreed and concluded, that no licence, nor any permission at all, shall at any time be given, either to the French, or to any nation whatever, in any
name,

name, or under any pretence, directly or indirectly, to sail, to traffick in, or introduce negroes, goods, merchandizes, or any things whatsoever, into the dominions subject to the crown of Spain in America, except what may be agreed by the treaty or treaties of commerce aforesaid, and the rights and privileges granted in a certain convention, commonly called *el Asiento de Negros*, whereof mention is made in the twelfth article; except also whatsoever the said Catholick King, or his heirs or successors, shall promise by any contract or contracts for the introduction of negroes into the Spanish West-Indies, to be made after that the convention, or the *Asiento de Negros* abovementioned shall be determined. And that more strong and full precautions may be taken on all sides, as aforesaid, concerning the navigation and commerce to the West-Indies, it is hereby further agreed and concluded, that neither the Catholick King, nor any of his heirs and successors whatsoever, shall sell, yield, pawn, transfer, or by any means, or under any name, alienate from them and the crown of Spain, to the French, or to any other nations whatever, any lands, dominions, or territories, or any part thereof belonging to Spain in America. On the contrary, that the Spanish dominions in the West-Indies may be preserved whole and entire, the queen of Great Britain engages, that she will endeavour, and give assistance to the Spaniards, that the ancient limits of their dominions in the West Indies be restored, and settled as they stood in the time of the aforesaid catholick king Charles II. if it shall appear that they have in any manner, or under any pretence, been broken into, and lessened in any part, since the death of the aforesaid catholick king Charles II.

IX. It is further agreed and concluded as a general rule, that all and singular the subjects of each kingdom shall, in all countries and places on both sides, have and enjoy at least the same privileges, liberties and immunities, as to all duties, impositions, or customs whatsoever, relating to persons, goods, and merchandizes, ships, freight, seamen, navigation, and commerce; and shall have the like favour in all things, as the subjects of France, or any other foreign nation, the most favoured, have, possess, and

and enjoy, or at any time hereafter may have, possess, or enjoy.

X. The Catholick King does hereby, for himself, his heirs and successors, yield to the crown of Great Britain the full and entire propriety of the town and castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging; and he gives up the said propriety to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever. But that abuses and frauds may be avoided by importing any kinds of goods, the Catholick King wills, and takes it to be understood, that the abovenamed propriety be yielded to Great Britain, without any territorial jurisdiction, and without any open communication by land with the country round about. Yet whereas the communication by sea with the coast of Spain, may not at all times be safe or open, and thereby it may happen that the garrison, and other inhabitants of Gibraltar, may be brought to great straits; and as it is the intention of the Catholick King, only that fraudulent importations of goods should, as is abovesaid, be hindered by an inland communication, it is therefore provided, that in such cases it may be lawful to purchase, for ready money, in the neighbouring territories of Spain, provisions, and other things necessary for the use of the garrison, the inhabitants, and the ships which lie in the harbour. But if any goods be found imported by Gibraltar, either by way of barter for purchasing provisions, or under any other pretence, the same shall be confiscated, and complaint being made thereof, those persons who have acted contrary to the faith of this treaty, shall be severely punished. And her Britannick majesty, at the request of the Catholick King, does consent and agree, that no leave shall be given, under any pretence whatsoever, either to Jews or Moors, to reside, or have their dwellings, in the said town of Gibraltar; and that no refuge or shelter shall be allowed to any Moorish ships of war in the harbour of the said town, whereby the communication between Spain and Ceuta may be obstructed, or the coasts of Spain be infested by the excursions of the Moors. But whereas treaties of friendship, and a liberty and intercourse of commerce, are between the British and certain territories, si-
tuate

tuatē on the coast of Africa, it is always to be understood, that the British subjects cannot refuse the Moors, and their ships, entry into the port of Gibraltar, purely upon the account of merchandizing. Her majesty the queen of Great Britain does further promise, that the free exercise of their religion shall be indulged to the Roman-catholick inhabitants of the aforesaid town. And in case it shall hereafter seem meet to the crown of Great Britain, to grant, sell, or by any means to alienate therefrom the propriety of the said town of Gibraltar, it is hereby agreed, and concluded, that the preference of having the same, shall always be given to the crown of Spain before any others.

XI. Moreover, the Catholick King doth in like manner for himself, his heirs and successors, yield to the crown of Great Britain, the whole island of Minorca, and doth transfer thereunto for ever, all right, and the most absolute dominion over the said island, and in particular over the town, castle, harbour, and fortifications of the bay of Minorca, commonly called Port Mahon, together with the other ports, places, and towns, situated in the aforesaid island. But it is provided, as in the above-written article, that no refuge or shelter shall be open to any ships of war of the Moors in Port Mahon, or in any other port of the said island of Minorca, whereby the Spanish coasts may be infested by their excursions: and the Moors and their ships shall only be allowed to enter the island aforesaid, on account of traffick, according to the agreement of treaties. The queen of Great Britain promises also on her part, that if at any time it shall happen, that the island of Minorca, and the ports, towns, and places therein situated, be by any means hereafter alienated from the crown of her kingdoms, the preference shall be given to the crown of Spain, before any other nation whatever, of redeeming the possession and propriety of the aforesaid island. Her royal majesty of Great Britain moreover engages, that she will take care, that all the inhabitants of the said island, both ecclesiastical and secular, shall safely and peaceably enjoy all their estates and honours, and the free use of the Roman-catholick religion shall be permitted: and measures shall be taken for preserving the aforesaid religion in that island, provided the same be consistent with the civil government
and

and laws of Great Britain. Those likewise who are now in the service of his Catholick Majesty, shall enjoy their honours and estates, though they continue in the said service; and it shall be lawful for any person who is desirous to leave the said island, to sell his estate, and pass freely with the value thereof into Spain.

XII. The Catholick King doth furthermore hereby give and grant to her Britannick majesty, and to the company of her subjects appointed for that purpose, as well the subjects of Spain, as all others, being excluded, the contract for introducing negroes into several parts of the dominions of his Catholick Majesty in America, commonly called *el Pacto de el Asiento de Negros*, for the space of thirty years successively, beginning from the first day of the month of May, in the year 1713, with the same conditions on which the French enjoyed it, or at any time might or ought to enjoy the same, together with a tract or tracts of land to be allotted by the said Catholick King, and to be granted to the company aforesaid, commonly called *la Compania de el Asiento*, in some convenient place on the river of Plata, (no duties or revenues being payable by the said company on that account, during the time of the abovementioned contract, and no longer) and this settlement of the said society, or those tracts of land, shall be proper and sufficient for planting, and sowing, and for feeding cattle for the subsistence of those who are in the service of the said company, and of their negroes; and that the said negroes may be there kept in safety till they are sold; and moreover, that the ships belonging to the said company may come close to land, and be secure from any danger. But it shall always be lawful for the Catholick King, to appoint an officer in the said place or settlement, who may take care that nothing be done or practised contrary to his royal interests. And all who manage the affairs of the said company there, or belong to it, shall be subject to the inspection of the aforesaid officer, as to all matters relating to the tracts of land abovementioned. But if any doubts, difficulties, or controversies, should arise between the said officer and the managers for the said company, they shall be referred to the determination of the governor of Buenos Ayres. The Catholick King has been likewise pleased to grant

grant to the said company, several other extraordinary advantages, which are more fully and amply explained in the contract of the *Affiento*, which was made and concluded at Madrid, the 26th day of the month of March, of this present year 1713. Which contract, or *Affiento de Negros*, and all the clauses, conditions, privileges and immunities contained therein, and which are not contrary to this article, are and shall be deemed, and taken to be, part of this treaty, in the same manner as if they had been here inserted word for word.

XIII. Whereas the queen of Great Britain has continually pressed, and insisted with the greatest earnestness, that all the inhabitants of the principality of Catalonia, of whatever state or condition they may be, should not only obtain a full and perpetual oblivion of all that was done in the late war, and enjoy the entire possession of all their estates and honours, but should also have their ancient privileges preserved safe and untouched; the Catholick King, in compliance with the said queen of Great Britain, hereby grants and confirms to all the inhabitants of Catalonia whatsoever, not only the amnesty desired, together with the full possession of all their estates and honours, but also gives and grants to them all the privileges which the inhabitants of both Castiles, who, of all the Spaniards, are the most dear to the Catholick king, have and enjoy, or may hereafter have and enjoy.

XIV. And whereas the Catholick King, at the request of her royal Britannick majesty, has been pleased to yield the kingdom of Sicily to his royal highness Victor Amadeus, duke of Savoy, and by the treaty this day entered into between his royal Catholick Majesty, and his royal highness of Savoy, does make a cession of the said kingdom, her royal majesty of Great Britain aforesaid, promises and engages, that she will take great care, that in default of the heirs male of the house of Savoy, the possession of the aforesaid kingdom of Sicily, shall revert again to the crown of Spain; and her aforesaid royal Britannick majesty, doth further consent, that the kingdom of Sicily may not, under any pretence, or in any manner whatever, be alienated or given to any prince or state, unless to the Catholick king of Spain, and to his heirs and successors.

fors. And whereas, the Catholick King hath made known to her royal Britannick Majesty, that it would be both reasonable in itself, and acceptable to him, that not only the subjects of the kingdom of Sicily, although they may reside in the dominions of Spain, and be in the service of his said Catholick Majesty, but also the Spaniards and other subjects of Spain, who may perhaps have estates and honours in the aforesaid kingdom of Sicily, should, without any diminution, intirely enjoy their said estates and honours, and should in no wise, under pretence of personal absence out of the said kingdom, be troubled or disquieted. And whereas the abovesaid Catholick King freely promises likewise on his part, that he will consent, that the subjects of the said kingdom of Sicily, and other subjects of his said royal highness, if they should chance to have estates and honours in Spain, or other the dominions belonging to Spain, shall in like manner, without any diminution, intirely enjoy the same, and that they shall in no wise be troubled or disturbed under pretence of personal absence; Therefore her royal Britannick Majesty promises, that she will endeavour, and will give instructions to her ambassadors extraordinary, and plenipotentiaries at Utrecht, that they interpose the most effectual good offices, that the Catholick King and his royal highness may mutually agree concerning this matter, and may take care and provide for the same, in such manner as shall be most commodious on both sides.

XV. Their royal majesties on both parts renew and confirm all treaties of peace, friendship, confederation, and commerce, made heretofore, and concluded between the crowns of Great Britain and Spain, and the said treaties are hereby renewed and confirmed in as full and ample manner, as if they were now particularly here inserted; that is to say, as far as they are not found to be contrary to the treaties of peace and commerce which were the last made and signed. And especially by this treaty those agreements, treaties, and conventions are confirmed and strengthened, which relate as well to the exercise of commerce and navigation in Europe, and elsewhere, as to the introduction of negroes into the Spanish West Indies, and which either are already made, or will forthwith be made

between both nations at Madrid. And whereas it is insisted on the part of Spain, that certain rights of fishing at the island of Newfoundland belong to the Guipuscoans, or other subjects of the Catholick King, her Britannick Majesty consents and agrees, that all such privileges as the Guipuscoans and other people of Spain are able to make claim to by right, shall be allowed and preserved to them.

XVI. Whereas, in the convention for making a suspension of arms, from the $\frac{1}{2}$ day of the month of August last past, for four months, between the queen of Great Britain, and the most Christian King; which the Catholick King also approved by his consent, and does hereby further approve; and which by another convention was prolonged to the $\frac{1}{2}$ of the month of April of this present year, among other conditions it is expressly stipulated, in what cases the ships, merchandizes, and other moveables taken on one side and the other, should either become prize to the captor, or be restored to the former owner; it is therefore agreed, that in those cases the conditions of the aforesaid suspension of arms shall remain in full force, and all things relating to such captures, made either in the British and Northern seas, or elsewhere, shall be well and truly executed according to the tenor thereof.

XVII. But if it happen through inadvertency, or imprudence, or any other cause, that any subject of either of their aforesaid royal majesties, do or commit any thing by land, sea, or on fresh waters, in any part of the world, whereby this present treaty be not observed, or whereby any particular article of the same hath not its effect, this peace and good correspondence between the queen of Great Britain and the Catholick King, shall not therefore be interrupted or broken, but shall remain in its former strength, force, and vigour. And that subject only shall be answerable for his own fact, and shall suffer such punishment as is inflicted by law, and according to the prescription of the law of nations.

XVIII. But if (which God forbid) the disputes which are composed, should at any time be renewed between their said royal majesties, and break out into open war, the ships, merchandizes, and goods, both moveable and immoveable,

moveable, of the subjects on both sides, which shall be found to be and remain in the ports and dominions of the adverse party, shall not be confiscated, or suffer any damage; but the space of six months, on the one part, and on the other, shall be granted to the said subjects of each of their said royal majesties, in order to their selling the aforesaid things, or any other their effects, or carrying away and transporting the same from thence, whithersoever they please, without any molestation.

XIX. The kings, princes, and states, mentioned in the following articles, and all others who shall be nominated on either side, by common consent, before the ratifications are exchanged, or within six months after, shall, for a mark of mutual friendship, be included and comprehended in this treaty, their royal majesties aforementioned being persuaded, that they will approve all the settlements made and established by it.

XX. Whatsoever shall be contained in the treaty of peace next entered into between his sacred royal majesty of Spain, and his sacred royal majesty of Portugal, with the previous approbation of her royal majesty of Great Britain, shall be deemed an essential part of this treaty, in the same manner as if it was transcribed here word for word. Moreover, her sacred royal majesty of Great Britain, offers herself to be a surety, or guarantee of the aforesaid agreement of peace, which she promises to fulfil according to the substance and words thereof, to the end that it may be observed the more sacred and inviolable.

XXI. The treaty of peace this day entered into, between his royal Catholick Majesty, and his royal highness the duke of Savoy, is specially included in, and confirmed by this treaty, as an essential part thereof, as fully as if it was inserted therein word for word, her royal majesty of Great Britain expressly declaring, that she will be obliged by the terms of the promise and guarantee therein made.

XXII. The most serene king of Sweden, together with his realms, dominions, provinces, and rights, and the most serene princes the great duke of Tuscany, and the duke of Parma, together with their people and subjects, and the liberties and advantages of their subjects in matters of trade,

shall be included in this treaty in the most effectual manner.

XXIII. The most serene republick of Venice, for the sake of the neutrality, which during the war they exactly observed between the parties in hostility, and for the sake of many acts of humanity performed by it, (the dignity, power, and security of the estates and dominions thereof, remaining ever inviolable) shall be particularly comprehended and included in this treaty, in the best manner possible as a common friend, and one to whom their royal majesties, at all times, desire to repay the offices of a faithful friendship, according to the exigencies of the said republick.

XXIV. It has been thought good to comprehend in the present treaty, the most serene republick of Genoa, which by a constant neutrality, during the war, hath cultivated the ancient friendship with the crowns of Great Britain and Spain, that the benefit of this peace may be extended to every thing that concerns that republick, and the subjects thereof, may in all things, and every where, fully enjoy the same liberty of commerce hereafter, as they enjoyed formerly, and during the life of Charles II. the catholick king of Spain.

XXV. The city of Geneva is likewise included in this agreement, to the end that it may, for the future, enjoy all the advantages in trade, which it has heretofore enjoyed in either kingdom, either by treaties or ancient custom.

XXVI. Solemn ratifications of this treaty, and drawn up in the proper form, shall be duly and reciprocally exchanged on both sides, within six weeks, to be computed from the time of signing, or sooner, if possible.

In witness whereof the ambassadors extraordinary and plenipotentiaries abovenamed, having on each side exhibited, and duly exchanged their letters of full powers, signed and sealed this present treaty at Utrecht, the $\frac{2}{13}$ day of the month of July, in the year of our Lord 1713.

(L. S.) *Joh. Bristol*, C. P. S.

(L. S.) *Duc de Ossuna*.

(L. S.) *Strafford*.

(L. S.) *El Marque le Monteleone*.

WE having seen and considered the treaty of peace and friendship above-written, have approved, ratified, and confirmed the same, in all and every one of its articles, as we do by these presents approve, ratify, and confirm it, for ourselves, our heirs, and successors, promising and engaging our royal word, that we will faithfully and inviolably perform and observe the aforesaid treaty, and all and every one of the things contained therein, and that we will never suffer the same to be violated or transgressed by any one, as far as it lies in our power. For the greater testimony and validity whereof, we have caused our great seal of Great Britain to be affixed to these presents, which we have signed with our royal hand. Given at our court at Kensington the 31st day of July, 1713, in the twelfth year of our reign.

The first SEPARATE ARTICLE.

I. B Esides those things which have been stipulated between the lord baron of Lexington, on the part of her royal majesty of Great Britain, and the lord marquis of Bedmar, on the part of his royal Catholick Majesty, by the treaty of the 27th of March last at Madrid, it is further agreed by this separate article, which shall be of the same force, as if it was inserted word for word in the treaty this day concluded between their royal majesties, that since his royal Catholick majesty is stedfastly resolved, and does solemnly promise by these presents, that he will not consent to any further alienation of countries, provinces or lands of any sort, or wherever situate, belonging to the crown of Spain; her royal majesty of Great Britain does likewise reciprocally promise, that she will persist in those measures and councils, by which she has provided and taken care, that none of the parties in war shall require or obtain of his Catholick Majesty, that any farther part of the Spanish monarchy be torn from it; but that any new demand of that kind being made, and the same refused by his Catholick Majesty, her royal majesty of Great Britain will use her endeavours, that such demands shall be receded from.

And when it shall seem to her royal majesty of Great

Britain, to be for the common benefit, that a new treaty be entered into, between her Britannick majesty, the Catholick King, and king of Portugal, that the security of the crown of Portugal may be provided for, his Catholick Majesty does, by these presents, give his consent to so wholesome a work, and does hereby testify it.

This article shall be ratified, and the ratifications thereof shall be exchanged at Utrecht, within six weeks, or sooner, if it can be.

In testimony whereof, we the ambassadors extraordinary, and plenipotentiaries of their royal Britannick and Catholick majesties, by virtue of the full powers exchanged this day, have signed and sealed the present article, at Utrecht, the $\frac{2}{3}$ of July, in the year of our Lord 1713.

(L. S.) *Joh. Bristol*, C. P. S. (L. S.) *Duc de Ossuna*.
(L. S.) *Strafford*. (L. S.) *Marquis de Monteleon*.

The second SEPARATE ARTICLE.

II. **T**HAT it may appear what consideration her sacred majesty the queen of Great Britain has for the princess of Urfini, her said majesty the queen of Great Britain, in the 21st article of the conventions of peace, made between the baron of Lexington, on the part of her said Britannick majesty, and the marquis de Bedmar, on the part of his Catholick Majesty, at Madrid, the 27th day of March last, did oblige herself, as by the present article she does oblige herself, and promises and agrees for herself and her successors, that she will really procure and effect, that forthwith and without any delay, the said lady princess of Urfini be put into real and actual possession of the dutchy of Limburg, or of other countries in the Netherlands, which shall be substituted in lieu thereof, to the full satisfaction of the lady princess of Urfini, with all manner of absolute and independent superiority, clear from any fee, or other tie whatsoever, which shall produce an annual revenue of 30,000 *Scudo's*, according to the form and tenor of the diploma granted by his said Catholick Majesty to the said princess, the 28th day of September, 1711, to the effect following:

PHILIP

PHILIP, by the grace of God, king of Castille, Leon, Arragon, both Sicilies, Jerusalem, Navarre, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordoua, Corfica, Murcia, Jaen, Algarves, Algezira, Gibraltar, Canary Islands, East and West Indies, Islands, and Terra Firma of the Ocean Sea, archduke of Austria, duke of Burgundy, Brabant and Milan, count of Apsburg, Flanders and Tirol, and of Barcelona, lord of Biscay and Molina, &c. To all who shall see these presents, or hear them read, greeting. Our dearest and most well-beloved cousin, the princess of Ursini, has, since the beginning of our reign, rendered us, and continues to render us so many signal and acceptable services, that we thought we could not defer any longer, giving her lively testimonies of our acknowledgments, and of the esteem we have for her person. This princess having quitted the rank, and the prerogatives she had at the court of Rome, to accept the employment of first lady of the bed-chamber to the queen our dearest consort, she went to meet her at Nice in Provence, and conducted her into our dominions of Spain, and discharged her duty with so much care, exactness, and wisdom, that she has gained all possible confidence and consideration.

When we trusted the regency of our kingdoms of Spain to the queen our dearest consort, that we might go and command our armies, in the kingdoms and states of Italy, the princess of Ursini redoubled her zeal and assiduity about her person, she has always assisted her with her care and her counsel, with equal prudence and affection, and in all times, and on all occasions, we have experienced the happy effects of so judicious, so faithful, and so valuable conduct.

Since it has pleased God to bless our royal house, and to secure the succession of it by a happy issue, she has likewise taken upon her to bestow her most tender and effectual care on the education of our dearest and most beloved son, the prince of the Asturias, in whom we already observe the benefit and progress of it. All these services, so distinguishing, and so important to the welfare of our dominions, and to the felicity of our reign, the application

with which this princess gives us still fresh proofs of an entire affection to the person of us, the queen our dearest consort, and the princes our children, and the good success that has attended the wholesome counsels she has given us, have engaged us to find out means to grant her a reward suitable to so many services, and that might serve for the future as a certain proof of the greatness of our gratitude, as well as of the merit and virtues of this princess. This has given us occasion to think of securing to her not only a considerable revenue, but also a country she might enjoy with the title of sovereign; which we have embraced with the greater readiness, that this princess, being born of the house of *la Trimouille*, one of the most ancient and most illustrious of France, is not only allied to the princes of the blood of the house of France, but likewise to several other sovereign houses of Europe, and that knowing the endowments of her mind, and the wisdom of her conduct in all things, we are persuaded she will govern with justice the country and people that shall be under her subjection; and that this great favour will ever be looked upon as the just effect of the justice and magnificence of the sovereigns towards those who have been so happy as to render them important services. Know ye therefore, that, out of our full power, meer motion, and royal and absolute authority, we have given, yielded and transferred, as we do give, yield and transfer by these presents, to our dearest and most well-beloved cousin, Mary Anne de la Trimouille, princess of Ursini, for herself, her heirs, successors, and assigns, the dutchy, town, and castle of Limbourg, being part of the Spanish Netherlands, with the towns, boroughs, villages, castles, houses, lands, and other appurtenances of the said dutchy, to enjoy the same to herself the said princess of Ursini, her heirs, successors or assigns, in full property and perfect sovereignty, without reserving or detaining any part thereof, to ourselves, and to our successors, the kings of Spain, under any title whatsoever, either of resort or feodality, as also without return or reversion in any case, or at any time, whereof we have exempted the said dutchy of Limbourg, and its dependencies comprehended in the present donation: to which end, so far as is, or should be necessary, we have extinguished

and

and suppressed, as we do extinguish and suppress the said rights; willing that the said princess of Ursini do exercise, in her name, all the rights of sovereignty within the said dutchy of Limbourg, the territories and jurisdictions there-to annexed, with the same authority as we exercised, and had right to exercise the same before these presents, and that she enjoy there all the revenues, fruits, profits and emoluments whatsoever, as well ordinary, as extraordinary and casual, of what nature soever, either for the collation and patronage of the livings, the provision and destitution of offices, the customs, entries, subsidies, impositions, and other rights, expressed, and not expressed, the defence of the country, and the tranquility of the people, the raising the revenues of the said dutchy, and its dependencies; all which rights and revenues the said princess of Ursini shall commence to enjoy from the day of these presents, from the reckoning of which, the agents, receivers, clerks, or others appointed to receive the said revenues, shall be accountable, and remit the produce into the hands of the bearers of the powers of the said princess, and in so doing they shall be duly acquitted and discharged thereof towards us, as by these presents we discharge them thereof; and consequently the said princess of Ursini, shall remain unalterable proprietor of the said dutchy of Limbourg, and its dependencies, as well for the sovereignty, as for all the revenues, as the whole belonging to her, in full, free and entire property, with power to dispose thereof, by donation between persons alive, or legacy to such person, and with such clauses and conditions, as she shall think fit, and even to treat thereof by exchange or otherwise, and the same rights and powers shall belong successively, after her, to her nearest heir, in case she has not otherwise disposed thereof. To which end we have discharged, absolved, and freed, as by these presents we discharge, absolve, and free the inhabitants of the said dutchy of Limbourg, and its dependencies, of what state, quality or dignity they are, as well ecclesiastical as secular, political, military, and of what other ranks and conditions they are, or may be, and each of them in general and in particular, of the oaths of fidelity, faith, and obedience, promises, obligations, and duties they owed us, as their lord and sovereign prince: ordering

dering and enjoining them most expressly, that by virtue of these presents, they do own and acknowledge the said princess of Ursini, and after her, her heirs, successors, or such as have a right thereto, successively for their princes and sovereign lords; that they take and swear to her the oaths of fidelity and obedience in the usual manner, and moreover, that they pay all homage, reverence, affection, obedience, fidelity, and services, as good and loyal subjects are obliged to do to their sovereign lord, and as they have done hitherto to the kings our predecessors, and to us. And farther, our intention being, that the said dutchy of Limbourg, and its dependencies, should produce at least the effectual and real revenue yearly to the profit of the said princess of Ursini, her heirs, successors, and assigns, thirty thousand crowns, each crown of eight silver reals, old double money of Castille, deduction being made of local employments, maintenance of places, and officers that used to be paid and maintained out of the revenues of the said dutchy. Our will and pleasure is, that during the first year of enjoyment by the said princess of Ursini, after her having taken possession of the said dutchy of Limbourg, and after the publication of the peace, a state be made of the revenues and employments of the dutchy of Limbourg, and its dependencies, in the presence of persons appointed for that purpose, as well on our part, as on that of the said princess of Ursini, and in case, after deduction is made for the said employments, the revenues for the neat remainder to the profit of the said princess of Ursini, do not amount to the said thirty thousand crowns per annum, whether by reason of the alienations that might have been made of some part of that dutchy, or whether because any of the said rights, revenues, and appurtenances, should have been sold, engaged, or charged with some rents, even some debts for sums taken by loan, or anticipation, in this case, we ordain, and our will and pleasure is, that the whole be redeemed and disengaged, and the purchasers, mortgagers, tenants, and other creditors, reimbursed, paid, and satisfied out of the produce of the most liquid revenues of the other provinces of the Spanish Netherlands, so as that the said princess enjoy, fully, really, and without any charge, the said thirty thousand crowns yearly; to which

which end, and until the full reimbursement for the re-
 deeming the said alienations or engagements, constitutions
 of rents, anticipations, or other loans whatever they may
 be, the purchasers of the funds alienated, or mortgagers,
 tenants, and all other creditors, shall be, and remain as-
 signed, as from this time we assign them to receive their
 arrears, or interests of their capitals, out of the said reve-
 nues of the other provinces of the Spanish Netherlands;
 and consequently, we have from this time yielded and
 transferred, as we do yield and transfer all and such of our
 revenues as shall be requisite to the mortgagers and credi-
 tors, and until the concurrence of what is due to them for
 principal interests, to take, have, and receive out of the
 most liquid and effective part of the said revenues of the
 said Spanish Netherlands, except those of the said dutchy
 of Limbourg, to enjoy the same themselves, until they
 shall be fully reimbursed. And if it should happen, that
 notwithstanding the said redemption and reimbursement
 being made or assigned, the revenue of the said dutchy of
 Limbourg should not amount to the said sum of thirty thou-
 sand crowns yearly, all charges deducted, we will, that
 there be dismembred, as from this time we dismember,
 from the other countries belonging to us, adjacent, or ly-
 ing convenient to the said dutchy of Limbourg, such
 other towns, boroughs, villages and territories, as shall be
 requisite to make up by their yearly produce and reve-
 nue, what shall be wanting of the said thirty thousand
 crowns yearly in the dutchy of Limbourg, which towns,
 boroughs, villages and territories, together with the reve-
 nue and appurtenances, shall remain dismembred from our
 other lordships, and shall be united and joined for the fu-
 ture, and for ever, to the said dutchy of Limbourg, to be
 possessed by the said princess of Ursini, with the same title
 of sovereignty, jurisdiction, and prerogative before men-
 tioned, and as making part of the said dutchy of Lim-
 bourg. And whereas, by the several proposals that are
 from time to time made to us, to attain the peace so much
 desired by us, and other princes and states of Europe en-
 gaged in the present war, some of them tend to certain
 dismembrings of the said Spanish Netherlands, from the
 other dominions that make up our monarchy, we declare,
 that

that our intention is, that these presents shall not be prejudiced by the treaties of peace that shall be made, and that all the princes and potentates interested in the said proposalls, do ratify the dismembring we make by these presents of the said dutchy of Limbourg, and the erecting of that in sovereignty, in favour of the princess of Ursini, so as that she be put, and remain in full possession, and peaceable enjoyment thereof, within the full extent of these presents, according to their form and tenor, and without any reserve or restriction whatsoever; it being our will, that the present donation be one of the conditions of the treaties that may be made, in what shall concern the said Spanish Netherlands, to the end the said princess of Ursini, her heirs, successors and assigns, may enjoy the said dutchy of Limbourg and its appurtenances, fully, peaceably, perpetually, and for ever, with the title of sovereignty, without any trouble and hindrance; on the contrary, to effect the same, and to constrain thereto all those whom it shall concern, or that are therefore to be constrained, we have, out of our full power and royal authority, supplied, as we do hereby supply all defects or omissions of right or fact, that might be found or happen in this donation, cession, and conveyance, either by the fault of expression, of the value of the revenues, and of the employments of the said dutchy of Limbourg; that are not therein specified or declared, and that might be requisite by former ordinances, to which, and the derogatories of the derogatories therein contained, we have expressly derogated, as we derogate by these presents; for such is our will and good pleasure: willing that these present letters patents be delivered to the said princess of Ursini, that she may cause the same to be registered and published where it shall be necessary, and even to cause them to be inserted, with the donation and cession therein contained, in the treaty of peace to be negotiated, therein to be included and acknowledged in the quality of sovereign princess of the dutchy of Limbourg; and in that quality to exercise the rights thereof, and there to make treaties and alliances with the princes and sovereigns that shall intervene, enjoining the ministers and ambassadors who shall be there on our part, to acknowledge her as such, and all

our

our officers of the said dutchy of Limbourg, to obey these presents from the moment they shall be notified to them; and to the end this present donation be firm and lasting for ever, we have signed these present letters with our own hand, and caused our great seal to be affixed to them, willing and ordaining that they be registered in all and every one of our councils, and chambers of accounts where it shall belong. Given at our city of Corella, in our kingdom of Navarre, the 28th day of September, in the year of our Lord, 1711, and of our reign the Eleventh.

And her said majesty of Great Britain promises, that she will maintain the said lady princefs of Ursini, or her assigns, in the real, actual, and peaceable possession of the said sovereignty and territory, against all and every one, at any time, and for ever, and that she will not permit, that the said lady princefs be disturbed or molested in the said possession by any body, by right or fact. And whereas, the real possession of the sovereignty of the said dutchy of Limbourg, or of the territories as aforesaid to be subrogated, ought, by virtue of the before-mentioned convention, concluded the 27th of March last past, to have been already given to the said lady princefs, although it is not yet given: therefore her said royal majesty of Great Britain, as a farther surety, promises, and engages her royal word, that she will not yield or remit, nor suffer to be yielded or remitted to any body, the said Spanish Netherlands, but will keep, or cause the same to be kept, not only until the said lady princefs of Ursini be put in actual and peaceable possession of the said sovereignty, but also, that the said lady princefs of Ursini be, as aforesaid, acknowledged sovereign lady of the said sovereignty, and put in possession thereof by the prince to whom the said Spanish Netherlands are to be yielded and remitted.

This present article shall be ratified, and the exchange of the ratifications shall be made at Utrecht within six weeks, or sooner, if possible.

In witness whereof, we the ambassadors extraordinary, and plenipotentiaries of her sacred royal majesty of Great Britain, have subscribed this present article, and
sealed

sealed the same with our seals, at Utrecht, the 11th of July, in the year of our Lord, 1713.

(L. S.) *Joh. Bristol*, C. P. S. (L. S.) *Duque de Osuna*.
(L. S.) *Strafford*. (L. S.) *El Marque le Monteleon*.

Treaty of Navigation and Commerce between the most serene and most potent Princess Anne, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. and the most serene and most potent Prince Philip V. the Catholick King of Spain, concluded at Utrecht, the 2⁸ Day of ^{November}_{December} 1713. Re-

printed from the copy printed by Her Majesty's special command.

ANNE, by the grace of God, queen of Great Britain, France, and Ireland, defender of the faith, &c. to all and singular to whom these presents shall come, greeting. Whereas the right reverend father in God, our right, trusty, and well-beloved counsellor, John, bishop of Bristol, our ambassador extraordinary and plenipotentiary, dean of Windsor, and register of our most noble order of the garter, did on our part, together with the plenipotentiaries of his Catholick Majesty, conclude and sign at Utrecht, on the 2⁸ day of ^{November}_{December} 1713, a treaty of commerce between the subjects of Great Britain and Spain as follows:

A Good and firm peace, and a true and sincere friendship having, by the merciful assistance of God, been happily established between the most serene and potent prince and lady, Anne, by the grace of God, queen of Great Britain, France, and Ireland, &c. and the most serene and potent prince and lord, Philip V. by the grace of God, Catholick King of Spain, &c. and their heirs and successors, kingdoms, and subjects, by a treaty of pacification concluded at Utrecht the 11th day of the month of July last past, their majesties before all things made it their care, that the mutual advantage of their subjects in matters

matters of trade, might be provided for after the best manner ; and therefore they most graciously gave instructions to their ambassadors extraordinary and plenipotentiaries, (by whose means the peace had been happily concluded) to draw up into a solemn treaty of commerce, whatsoever, after all things had been thoroughly considered at the conferences held for that purpose at Madrid, should seem to conduce most to this good end ; the said ambassadors therefore, by virtue of their full powers, (copies whereof are inserted word for word at the end of this instrument) agreed upon articles of commerce for the explanation of former treaties, and greater ease and convenience of trade, in the manner and form following :

I. **T**HE treaty of peace, commerce, and alliance, concluded at Madrid, between the crowns of Great Britain and Spain, the $\frac{23}{23}$ day of May, 1667, is ratified and confirmed by this treaty, and for the greater strengthening and confirmation of the same, it has been thought proper to insert it word for word in this place, together with the royal schedules or ordinations annexed to it, as follows :

The treaty of peace and friendship between the crowns of Great Britain and Spain, concluded at Madrid the $\frac{13}{23}$ day of May, in the year of our Lord, 1667, entered into and concluded by the most excellent lord Edward, earl of Sandwich, privy-counsellor to the most serene and potent king of Great Britain, and his ambassador extraordinary to Spain, in the name of the most serene king his master ; and the most excellent lords, Don John Eberardo Nidar-do, confessor to the most serene Catholick Queen, inquisitor general and counsellor of state, Don Ramiro Phelipez Nunez de Guzman, duke of San Lucar Mayor, and of Medina de las Torres, counsellor of state, and president of Italy, and Don Gaspar of Bracamonte and Gusman, count of Penaranda, counsellor of state, and president of the Indies, in the name of the most serene and potent king and queen of Spain, at Madrid the $\frac{23}{23}$ day of May, 1667.

In the name of the most Holy Trinity, Father, Son, and Holy Ghost, three distinct Persons, and One only true God. :

ARTICLE I.

FIRST, it is agreed and concluded, that from this day forward there shall be, between the two crowns of Great Britain and Spain, a general, good, sincere, true, firm, and perfect amity, confederation and peace, which shall endure for ever, and be observed inviolably, as well by land, as by sea, and fresh-waters; and also between the lands, countries, kingdoms, dominions, and territories, belonging unto, or under the obedience of either of them. And that their subjects, people, and inhabitants respectively, of what condition, degree, or quality soever, from henceforth reciprocally, shall help, assist, and shew to one another all manner of love, good offices, and friendship.

II. That neither of the said kings, nor their respective people, subjects or inhabitants within their dominions, upon any pretence, may in publick or secret, do, or procure to be done, any thing against the other, in any place, by sea or land, nor in the ports or rivers of the one or the other, but shall treat one another with all love and friendship; and may, by water and by land, freely and securely pass into the confines, countries, lands, kingdoms, islands, dominions, cities, towns, villages, walled or without wall, fortified or unfortified, their havens and ports (where hitherto trade and commerce hath been accustomed) and there trade, buy and sell, as well of and to the inhabitants of the respective places, as those of their own nation, or any other nation that shall be or come there.

III. That the said kings of Great Britain and Spain, shall take care that their respective people and subjects, from henceforward, do abstain from all force, violence, or wrong; and if any injury shall be done by either of the said kings, or by the people or subjects of either of them, to the people or subjects of the other, against the articles of this alliance, or against common right, there shall not therefore be given letters of reprisal, marque, or counter-marque, by any of the confederates, until such time

time as justice is sought and followed in the ordinary course of law. But if justice be denied or delayed, then the king whose people or inhabitants have received harm, shall ask it of the other, by whom (as is said) the justice shall have been denied or delayed, or of the commissioners that shall be, by the one king or the other, appointed to receive and hear such demands, to the end that all such differences may be compounded in friendship, or according to law. But if there should be yet a delay, or justice should not be done, nor satisfaction given within six months after having the same so demanded, then may be given letters of reprisal, marque, or counter-marque.

IV. That between the king of Great Britain, and the king of Spain, and their respective people, subjects and inhabitants, as well upon sea as upon land, and fresh-waters, in all and every their kingdoms, lands, countries, dominions, confines, territories, provinces, islands, plantations, cities, villages, towns, ports, rivers, creeks, bays, streights, and currents, where hitherto trade and commerce hath been accustomed, there shall be free trade and commerce, in such way and manner, that without safe conduct, and without general or particular licence, the people and subjects of each other may freely, as well by land as by sea, and fresh-waters, navigate and go into their said countries, kingdoms, dominions, and all the cities, ports, currents, bays, districts, and other places thereof; and may enter into any port with their ships laden or empty, carriage or carriages, wherein to bring their merchandize, and there buy and sell what, and how much they please, and also at just and reasonable rates provide themselves with provisions, and other necessary things, for their subsistence and voyage; and also may repair their ships and carriages, and from thence again freely depart with their ships, carriages, goods, merchandize and estate, and return to their own countries, or to such other places as they shall think fit, without any molestation or impediment, so that they pay the duties and customs which shall be due, and saving to either side the laws and ordinances of their country.

V. *Item*, It is likewise agreed, that for the merchandizes which the subjects of the king of Great Britain shall buy in Spain, or other the kingdoms or dominions of the

king of Spain, and shall carry in their own ships, or in ships hired or lent unto them, no new customs, toll, tenths, subsidies, or other rights or duties whatsoever, shall be taken or increased, other than those which in the like case the natives themselves, and all other strangers are obliged to pay; and the subjects aforesaid buying, selling and contracting for their merchandizes, as well in respect of the prices, as of all duties to be paid, shall enjoy the same privileges which are allowed to the natural subjects of Spain; and may buy, and lade their ships with such goods and merchandizes; which said ships being laden, and customs paid for the goods, shall not be detained in port upon any pretence whatsoever; nor shall the laders, merchants, or factors, who bought and loaded the goods aforesaid, be questioned after the departure of the said ships, for any matter or thing whatsoever concerning the same.

VI. And to the end that the officers and ministers of all cities, towns, and villages belonging to either, may neither demand nor take from the respective merchants and people, greater taxes, duties, stipends, recompences, gifts, or any other charges, than what ought to be taken by virtue of this treaty; and that the said merchants and people may know and understand with certainty what is ordained in all things touching this, it is agreed and concluded, that tables and lists shall be put up at the doors of the custom-houses and registries of all the cities, villages, and towns of, or pertaining to one or the other king, where such rights and excises, or customs, are usually paid; in which, how much, and of what quality such rights, customs, subsidies, and payments, either to the kings, or any the aforesaid officers are allowed, shall be put down in writing, declaring as well the species of what is imported, as what is carried out. And if any officer, or any other in his name, upon any pretence whatsoever, in publick or secret, directly or indirectly, shall ask or receive of any merchant, or other person respectively, any sum of money or other thing, by the name of right, due, stipend, allowance, or recompence, (though it be by the way of voluntary donative) more or otherwise than aforesaid, the said officer or his deputy being in such manner guilty, and convict before a competent judge in the country where the

the crime is committed, shall be put in prison for three months, and shall pay thrice the value of the thing so received; of which, the half shall be for the king of the country where the crime is committed, and the other half for the denunciator, for the which he may sue his right before any competent judge of the country where it shall happen.

VII. That it shall be lawful for the subjects of the king of Great Britain, to bring out, and carry into Spain, and all or any lands and dominions of the king of Spain, (where heretofore they have used trade and commerce) and trade there with all kind of merchandize, clothes, manufactures, and things of the kingdom of Great Britain, and the manufactures, goods, fruits, and kinds of the islands, towns, and plantations to him appertaining, and what shall have been bought by English factors on this side, or farther on the other side of the cape of Buena Esperanca, without being enforced to declare to whom, or for what price they sell their said merchandize and provisions, or being molested for the errors of the masters of the ships, or others, in the entry of the goods; and at their pleasure to return again out of the dominions of the king of Spain, with all, or any goods, estates, and merchandize, to any of the territories, islands, dominions, and countries of the king of England, or to any other place, paying the rights and tributes mentioned in the antecedent chapters; and the rest of all their lading which is not brought to land, they may detain, keep and carry away in their said ship or ships, vessel or vessels, again, without paying any right or imposition whatsoever for it, as if therewith they had never been within any bay or port of the Catholick King. And all the goods, estates, merchandize, ships, or other vessels, with any things introduced into the dominions or places of the crown of Great Britain as prizes, and judged for such in the said dominions and places, shall be taken for goods and merchandize of Great Britain, comprehended so by the intention of this article.

VIII. That the subjects and vassals of the most serene king of Great Britain, may bring and carry to all and singular the dominions of the king of Spain, any fruits and commodities of the East Indies, it appearing by testimony

of the deputies of the East-India company in London, that they are of, or have come from the English conquests, plantations or factories, with like privilege, and according to what is allowed to the subjects of the United Provinces, by the royal cedulas of Contravando, bearing date the 27th of June, and the 3d of July, 1663, and published on the 30th of June, and 4th of July, the same year. And for what may concern both the Indies, and any other parts whatsoever, the crown of Spain doth grant to the king of Great Britain and his subjects, all that is granted to the United States of the Low Countries, and their subjects, in their treaty of Munster, 1648, point for point, in as full and ample manner as if the same were herein particularly inserted, the same rules being to be observed, whereunto the subjects of the said United States are obliged, and mutual offices of friendship to be performed from one side to the other.

IX. That the subjects of the king of Great Britain, trading, buying, and selling in any of the kingdoms, governments, islands, ports, or territories of the said king of Spain, shall have, use, and enjoy all the privileges and immunities, which the said king hath granted and confirmed to the English merchants that reside in Andalusia, by his royal cedulas or orders, dated the 19th day of March, the 26th day of June, and the 9th day of November, 1645, his Catholick Majesty, by these presents, re-confirming the same as a part of this treaty between the two crowns. And to the end that it may be manifest to all, it is consented, that the said schedules (as to the whole substance thereof) be passed and transferred to the body of the present articles, in the name and favour of all and singular the subjects of the king of Great Britain, residing and trading in any places whatsoever, within his Catholick Majesty's dominions.

X. That the ships, or any other vessels that shall belong to the king of Great Britain, or his subjects, navigating into the king of Spain's dominions, or any of his ports, shall not be visited by the judges of counterband, or by any other officer or person, by his own, or by any other authority; nor shall any soldiers, armed men, or other officers or persons, be put on board any of the said ships or vessels;

vessels ; nor shall the officers of the custom-house of the one or the other party, search in any vessels or ships belonging to the people of the one or the other, which shall enter into their regions, dominions, or respective ports, until their said ships or vessels are unladen, or until they have carried on shore all the lading and merchandize which they declare they resolve to disembark in the said port ; nor shall the captain, master, or any other of the company of the said ships, be imprisoned, or they or their boats detained on shore ; but in the interim, officers of the custom-house may be put on board the said vessels or ships, so they exceed not the number of three for each ship, to see that no goods or merchandize be landed out of the said ships or vessels, without paying such duties as by these articles either party is obliged to pay ; which said officers are to be without any charge to the ship or ships, vessel or vessels, their commanders, mariners, company, merchants, factors, or proprietors. And when it happens that the master or owner of any ship shall declare the whole lading of his said ship is to be discharged in any port, the entry of the said lading shall be made in the custom-house, after the usual manner ; and if, after the entry made, any other goods be found in the said ship or ships, more than what are contained in the said entry, eight working days shall be allowed them, on which they may work, (which shall be reckoned from the day they began to unlade) to the end that the concealed goods may be entered, and the confiscation of them prevented : and in case that in the time limited, the entry or manifestation of them shall not have been made, then such particular goods only, which shall be found, as aforesaid, though the unloading be not finished, shall be confiscated, and not any other, nor shall other trouble be given, or punishment inflicted on the merchant or owner of the ship ; and when the ships or vessels are reladen, they may have freedom to go out again.

XI. That the ship or ships appertaining to the one or the other king, or to their respective people and subjects, that shall enter into any ports, lands, or dominions of the one or the other, and shall discharge any part of their goods and merchandizes in any port or haven, being consigned

with the rest to other places, within or without the said dominions, shall not be obliged to register or pay the rights of any other goods or merchandizes, than of that which they shall unlade in the said port or haven, nor be constrained to give bond for the goods they shall carry to other places, nor any other security, if it be not in case of felony, debt, treason, or other capital crime.

XII. Whereas, the one moiety of the custom of all foreign goods and merchandizes imported into England, is allowed and returned back to the importer, if the said goods be exported out of the said kingdom within twelve months after the first landing, upon oath made that they are the same goods which paid custom inwards, and that if they be not reship'd within the said twelve months, yet they may at all times be exported without paying any custom or duty outwards: it is therefore agreed, that if any the subjects of the king of Great Britain, shall hereafter land any goods or merchandizes, of what growth or nature soever they be, in any of the ports of his Catholick Majesty, and having entered them, and paid the custom which by this treaty ought to be paid, and shall afterwards desire to transport them, or any part of them, to any other place whatsoever, for a better market, it shall and may be lawful, for him or them, so to do freely, without paying, or being demanded any other custom or duty at all for the same, he or they making oath, if required thereunto, that they are the same goods for which custom was paid at the landing: and in case that the subjects, people, and inhabitants of the dominions of either part shall unlade, or have in any city, town, or village respectively, any goods, merchandizes, fruits, or estates, and have paid the customs due, according to what hath been declared, and after that, not being able to put them off, shall resolve to remit them to some other city, town, or village of the said dominions, they may not only do it without difficulty or impediment, and without paying other rights than what were due at their entry, but likewise the custom or rights shall not be paid again in any other part of the said dominions, bringing certificates from the officers of the custom-house, that they were paid before in the due form. And the chief farmers and commissioners of the king of Spain's

Spain's rents in all places; or some other officer or officers to be appointed for that purpose, shall at all times permit and suffer the transportation of all such goods and merchandizes from place to place, and give sufficient certificate to the owners thereof, or their assigns, of their having paid their custom at their first landing, whereby they may be carried to, and landed at any other port or place of the said jurisdiction, free from all duties or impediments whatsoever, as aforesaid, saving always the right of any third person.

XIII. That it shall be lawful for the ships belonging to the subjects of the one or the other king, to anchor in the roads or bays of either, without being constrained to enter into port; and in case they be necessitated to enter thereinto, either by distress of weather, fear of enemies, pirates, or any other accident, in case the said ships be not bound to an enemy's port, and carrying thither contraband goods, (whereof without some clear proof, they shall not be questioned) it shall be lawful for the said subjects, to return to sea freely when they please, with their ships and goods, so as they do not break bulk, or expose any thing to sale; and that when they cast anchor, or enter the ports aforesaid, they be not molested or visited; and it shall suffice, that in this case they shew their passports, or sea-papers, which being seen by the respective officers of either king, the said ships shall return freely to sea without any molestation.

XIV. And if any ship or ships belonging to the subjects and merchants of the one or the other, entering into bays, or in the open sea, shall be encountered by the ships of the said kings, or of privateers their subjects, the said ships, to prevent all disorders, shall not come within cannon shot, but shall send their long-boat, or pinnace, to the merchant-ship, and only two or three men on board, to whom the master or owner shall shew his passports and sea-letters, according to the form which shall be inserted at the end of this treaty, whereby not only the ship's lading, but the place to which she belongs, and as well the master and owner's name, as the name of the ship, may appear; by which means the quality of the ship, and her master or owner, will be sufficiently known, as also the commoditi

the carries, whether they be contraband, or not; to the which passports and sea-letters, entire faith and credit shall be given, so much the rather, for that as well on the part of the king of England, as of the king of Spain, some counter-signs shall be given, (if it shall be found necessary) whereby their authenticalness may the better appear, and that they may not be in any wise falsified.

XV. If any prohibited merchandize or goods shall be exported from the kingdoms, dominions, and territories of either of the said kings, by the respective people or subjects of the one or the other, in such case the prohibited goods shall be only confiscated, and not the other goods; neither shall the delinquent incur any other punishment, except the said delinquent shall carry out from the respective kingdoms or dominions of the king of Great Britain, the proper coin, wool, or fullers-earth of the said kingdoms; or shall carry out of the respective kingdoms or dominions of the said king of Spain, any gold or silver, wrought or unwrought; in either of which cases, the laws of the respective countries are to take place.

XVI. That it shall be lawful for the people and subjects of both kings, to have access to the respective ports of the one and the other, and there remain, and depart again with the same freedom, not only with their ships, and other vessels for trade and commerce, but also with their other ships fitted for war, armed, and disposed to resist and engage the enemy, and arriving by stress of weather to repair their ships, or furnish themselves with provisions; so that entering willingly, they be not so numerous, that they give just occasion of suspicion, to which end they are not to exceed the number of eight, nor continue in their havens, nor about their ports, longer time than they shall have just cause, for the repair of their ships, to take in provisions, or other necessary things, much less be the occasion of interrupting the free commerce, and coming in of other ships, of nations in amity with either king; and when an unusual number of men of war by accident shall come unto any port, it shall not be lawful for them to come into the said ports or havens, not having first obtained permission of the king unto whom the said ports do belong, or the governor of the said ports, if they be not forced

forced thereinto by fires of weather, or other necessity, to avoid the danger of the sea; and in such case they shall presently acquaint the governor, or chief magistrate of the place, with the cause of their coming; nor shall they remain there any longer time than the said governor or magistrate shall think convenient, or do any act of hostility in such ports, that may prove of prejudice to the one or the other of the said kings.

XVII. That neither the said king of Great Britain, nor the king of Spain, by any mandate general, nor particular, nor for any cause whatsoever, shall embark or detain, hinder or take, for his respective service, any merchant, master of a ship, pilot or mariner, their ships, merchandize, cloaths, or other goods belonging unto the one or the other, in their ports or waters, if it be not that either of the said kings, or the persons to whom the ships belong, be first advertised thereof and do agree thereunto; provided, that this shall not be construed to hinder or interrupt the ordinary course of justice and law in either country.

XVIII. That the merchants and subjects of the one and the other king, their factors and servants, as also their ships, masters or mariners, may as well going as coming, upon sea and other waters, as in the havens and ports of the one and the other respectively, carry and use all kind of arms, defensive and offensive, without being obliged to register them, as also upon land to carry and use them for their defence, according to the custom of the place.

XIX. That the captains, officers and mariners of the ships belonging to the people and subjects of either party, may not commence an action, nor hinder or bring trouble upon their own ships, their captains, officers or mariners, in the respective kingdoms, dominions, lands, countries or places of the other, for their wages or salaries, or under any other pretence. Nor may they put themselves, or be received, by what pretext or colour soever, into the service or protection of the king of England, or king of Spain, or their arms; but if any controversy happen between merchants and masters of ships, or between masters and mariners, the composing thereof shall be left to the
consul

consul of the nation, but after such manner, as he who shall not submit to the arbitrement, may appeal to the ordinary justice of the place where he is subject.

XX. And to the end that all impediments be taken away, and that the merchants and adventurers of the kingdoms of Great Britain, be permitted to return to Brabant, Flanders, and other the provinces of the Low-Countries, under the jurisdiction of the king of Spain; forasmuch as it hath been thought convenient, that all, and any the laws, edicts, and acts, by which the importation of cloth, or any cloth, or any other woollen manufacture, of what kind soever, dyed or undyed, milled or unmilled, into Flanders, or the other provinces, hath been prohibited, be revoked and disannulled; and that if any right, tribute, imposition, charge or money, hath been, with permission, or otherwise, put upon cloths, or any of the aforesaid woollen manufactures so imported, (except the ancient tribute upon every piece of cloth, and proportionably upon every other woollen manufacture, agreeable to the ancient treaties and agreements between the then kings of England, and the dukes of Burgundy, and governors of the Low-Countries) the same should be altogether void, and no such tribute or imposition from henceforth imposed, or put upon the said cloths or manufactures, for any cause or pretext whatsoever; and that all the English merchants, trading in any of the said provinces, their factors, servants, or commissioners, should enjoy from henceforward, all the privileges, exemptions, immunities and benefits, which formerly have been agreed and given by the aforesaid ancient treaties and agreements, between the then kings of England, and the dukes of Burgundy, and governors of the Low-Countries: it is therefore agreed, that deputies shall be named by the king of Great Britain, who meeting with the marquis of Castel-Rodrigo, or the governor of those provinces for the time being, or any other ministers of the king of Spain, sufficiently authorised in this behalf, shall friendly treat and conclude hereupon; and also such further privileges, immunities, and necessary exemption, suitable to the present state of affairs, shall be granted for the encouragement of the said merchants and adventurers, and for the security of their trade and commerce,

merce, as shall be agreed upon in a special treaty, that shall be made between both the kings, touching this particular.

XXI. The subjects and inhabitants of the kingdoms and dominions of the most serene king of Great Britain and Spain respectively, shall with all security and liberty sail to, and traffick in all the kingdoms, estates, or countries, which are or shall be in peace, amity, or neutrality, with the one or the other.

XXII. And they shall not be disturbed or disquieted in that liberty, by the ships or subjects of the said kings respectively, by reason of the hostilities which are, or may be hereafter, between either of the said kings, and the aforesaid kingdoms, countries, and states, or any of them, which shall be in friendship or neutrality with the other.

XXIII. And in case that within the said ships respectively, be found by the aforesaid means, any merchandize hereunder mentioned, being of contraband, and prohibited, they shall be taken out and confiscated, before the admiralty, or other competent judges; but for this reason the ship, and the other free and allowed commodities which shall be found therein, shall in no wise be either seized or confiscated.

XXIV. Moreover, for better prevention of the differences which might arise touching the meaning of forbidden merchandize, and of contraband; it is declared and agreed, that under this name shall be comprehended all fire-arms, as ordnance, muskets, mortar-pieces, petards, bombs, granadoes, fire-crancels, fire-balls, musket-rests, bandeliers, gunpowder, match, salt-petre, and bullets; likewise under the name of forbidden merchandize, are understood all other arms, as pikes, swords, pots, helmets, backs and breasts, halberds, javelins, and such like armour; under this name is likewise forbidden the transportation of soldiers, horses, their harnesses, cases of pistols, holsters, belts, and other furniture, formed and composed for the use of war.

XXV. Likewise, to prevent all manner of dispute and contention, it is agreed, that under the name of forbidden merchandize, and of contraband, shall not be comprehended wheat, rye, barley, or other grain, or pulse, salt,

salt, wine, oil, and generally whatsoever belongs to the sustaining and nourishing of life, but they shall remain free, as likewise all other merchandizes not comprehended in the preceding articles; and the transportation of them shall be free and permitted, although it be to the towns and places of enemies, unless such towns and places be besieged, and blocked up, or surrounded.

XXVI. It is also agreed, that whatsoever shall be found laden by the subjects or inhabitants of the kingdoms and dominions of either of the said kings of England and Spain, aboard the ships of the enemies of the other, though it be not forbidden merchandize, shall be confiscated, with all things else which shall be found within the said ships, without exception or reserve.

XXVII. That the consul which hereafter shall reside in any of the dominions of the king of Spain, for the help and protection of the subjects of the king of Great Britain, shall be named by the king of Great Britain, and he so named, shall have and exercise the same power and authority in the execution of his charge, as any other consul hath formerly had in the dominions of the said king of Spain; and in like manner the Spanish consul residing in England, shall enjoy as much authority as the consuls of any other nation have hitherto enjoyed in that kingdom.

XXVIII. And that the laws of commerce that are obtained by peace, may not remain unfruitful, as would fall out if the subjects of the king of Great Britain, when they go to, come from, or remain in the dominions or lordships of the king of Spain, by reason of their commerce or other business, should be molested for cause of conscience; therefore, that the commerce be secure, and without danger, as well upon land as sea, the said king of Spain shall provide, that the subjects of the said king of Great Britain, shall not be aggrieved contrary to the laws of commerce, and that none of them shall be molested or disturbed for their conscience, so long as they give no publick scandal or offence; and the said king of Great Britain shall likewise provide, for the same reasons, that the subjects of the king of Spain shall not be molested or disturbed for their conscience, against the laws of commerce, so long as they give no publick scandal or offence.

XXIX. That the people and subjects respectively of one kingdom

kingdom, in the dominions, territories, regions, or colonies of the other, shall not be compelled to sell their merchandize for brass-metal coin, or exchange them for other coin or things, against their will; or having sold them, to receive the payment in other species than what they bargained for, notwithstanding any law, or other custom, contrary to this article.

XXX. That the merchants of both nations, and their factors, servants, and families, commissioners, or others by them employed; as also masters of ships, pilots, and mariners, may remain freely and securely in the said dominions, kingdoms, and territories, of either of the said kings, and also in their ports and rivers; and the people and subjects of the one king, may have, and with all freedom and security enjoy, in all the lands and dominions whatsoever of the other, their proper houses to live in, their warehouses and magazines for their goods and merchandize, which they shall possess during the time for which they shall have taken, hired, and agreed for them, without any impediment.

XXXI. The inhabitants and subjects of the said confederate kings, in all the lands and places under the obedience of the one or the other, shall use and employ those advocates, proctors, scriveners, agents, and solicitors, whom they think fit, the which shall be left to their choice, and consented to by the ordinary judges, as often as there shall be occasion; and they shall not be constrained to shew their books and papers of account to any person, if it be not to give evidence for the avoiding law-suits and controversies; neither shall they be embarked, detained, or taken out of their hands, upon any pretence whatsoever. And it shall be permitted to the people and subjects of either king, in the respective places where they shall reside, to keep their books of account, traffick and correspondence, in what language they please, in English, Spanish, Dutch, or any other, the which shall not be molested, or subject to any inquisition. And whatsoever else hath been granted by either party, concerning this particular, to any other nation, shall be understood likewise to be granted here.

XXXII. That in case the estate of any person or persons shall be sequestered, or seized on by any court of justice

justice or tribunal whatsoever, within the kingdoms and dominions of either party, and any estate or debt happen to lie in the hands of the delinquents belonging *bona fide* to the people and subjects of the other, the said estate or debts shall not be confiscated by any of the said tribunals, but shall be restored to the true owners *in specie*, if they yet remain, and if not, the value of them (according to the contract and agreement which was made between the parties) shall be restored within three months after the said sequestration.

XXXIII. That the goods and estates of the people and subjects of the one king, that shall die in the countries, lands, and dominions of the other, shall be preserved for the lawful heirs and successors of the deceased; the right of any third person always reserved.

XXXIV. That the goods and estates of the subjects of the king of Great Britain, that shall die without making a will in the dominions of the king of Spain, shall be put into inventory, with their papers, writings, and books of account, by the consul, or other publick minister of the king of Great Britain, and deposited in the hands of two or three merchants, that shall be named by the said consul or publick minister, to be kept for the proprietors and creditors; and neither the Cruzada, nor any other judicatory whatsoever, shall intermeddle therein; which also, in the like case, shall be observed in England, towards the subjects of the king of Spain.

XXXV. That a decent and convenient burial-place shall be granted and appointed to bury the bodies of the subjects of the king of Great Britain, who shall die within the dominions of the king of Spain.

XXXVI. If it shall happen hereafter that any difference fall out, (which God forbid) between the king of Great Britain and the king of Spain, whereby the mutual commerce and good correspondence may be endangered, the respective subjects and people of each party shall have notice thereof given them in time, that is to say, the space of six months, to transport their merchandize and effects, without giving them in that time any molestation or trouble, or retaining or embarking their goods or persons.

XXXVII. All goods and rights concealed or embarked,

ed, moveables, immoveables, rents, deeds, debts, credits, and the like, which have not, with a formal notice of the cause, and by a legal condemnation, according to the ordinary justice, been brought into the royal exchequer at the time of concluding this treaty, shall remain at the full and free disposal of the proprietors, their heirs, or of those who shall have their right, with all the fruits, rents, and emoluments thereof, and neither those who have concealed the said goods, nor their heirs, shall be molested for this cause, by the exchequers respectively; but the proprietors, their heirs, or those who shall have their right, shall have, for the said goods and rights, their action at law, as for their own proper goods and estate.

XXXVIII. It is agreed and concluded, that the people and subjects of the king of Great Britain, and of the king of Spain, shall have and enjoy in the respective lands, seas, ports, havens, roads, and territories of the one or the other, and in all places whatsoever, the same privileges, securities, liberties, and immunities, whether they concern their persons or trade, with all the beneficial clauses and circumstances which have been granted, or shall be hereafter granted by either of the said kings, to the most Christian King, the States General of the United Provinces, the Hans-Towns, or any other kingdom or state whatsoever, in as full, ample, and beneficial manner, as if the same were particularly mentioned and inserted in this treaty.

XXXIX. In case any difference or dispute shall happen on either side concerning these articles of trade and commerce, by either the officers of the admiralty, or other person whatsoever, in the one or the other kingdom; the complaint being presented by the party concerned, to their majesties, or to any of their council, their said majesties shall cause the damages forthwith to be repaired, and all things, as they are above agreed, to be duly executed: and in case, that in progress of time any frauds or inconveniencies be discovered in the navigation and commerce between both kingdoms; against which sufficient prevention hath not been made in these articles, other provisions may be hereafter mutually agreed on, as shall be judged convenient, the present treaty remaining still in full force and vigour.

XL. It is likewise accorded and concluded, that the most serene and renowned kings of Great Britain and Spain, shall sincerely and faithfully observe and keep, and procure to be observed and kept, by their subjects and inhabitants respectively, all and singular the capitulations in this present treaty agreed and concluded, neither shall they, directly or indirectly, infringe the same, or consent that the same shall be infringed by any of their subjects or inhabitants. And they shall ratify and confirm all and singular the conventions before accorded by letters patents reciprocally, in sufficient, full, and effectual form, and the same so formed and made, shall interchangeably deliver, or cause to be delivered, faithfully and really, within four months after the date of these presents; and they shall then, as soon as conveniently may be, cause this present treaty of peace and amity to be published in all places, and in the manner accustomed.

In witness whereof, we the abovementioned ambassador extraordinary of the most serene king of Great Britain, and the commissaries of the most serene king and queen of Spain, have put our seals to this present treaty, subscribed with our own hands, at Madrid the $\frac{13}{23}$ day of May, in the year 1667.

(L. S.) *Sandwich.*

(L. S.) *J. Eberardo Nidardo.*

(L. S.) *Duc. de St. Lucar, &c.* (L. S.) *Conde de Penaranda.*

The Form of Letters which ought to be given by the Towns and Sea-Ports, to the Ships and Vessels setting sail from thence.

TO all unto whom these presents shall come. We the governors, consuls, or chief magistrate, or commissioners of the customs, of the city, town, or province of N. do testify and make known, that N. N. master of the ship N. hath before us, under solemn oath, declared, that the ship N. of tons, (more or less) of which he is at present master, doth belong to the inhabitants of N. in the dominions of the most serene king of Great Britain.

And

And we, desiring that the said master may be assisted in his voyage and business, do entreat all persons in general and particular, who shall meet him, and those of all places where the said master shall come with the said ship and her merchandize, that they would admit him favourably, treat him kindly, and receive the said ship into their ports, bays, havens, rivers, and dominions, permitting her quietly to sail, pass, frequent, and negotiate there, or in any other places, as shall seem good to the said master, paying still the toll and customs which of right shall be due. Which we will acknowledge gratefully upon the like occasions. In witness whereof, we have signed these presents, and sealed them with the seal of our town.

Will. Godolphin.

Don Pedro Fernandez del Campo y Angulo.

P E T I T I O N.

I Don Brian Johnson, consul of the English nation, in the best form I can, do declare, that his majesty hath been pleased to dispatch divers cedulas, or grants, in favour of the said nation, whereby they may have a particular judge conservator, that may take cognizance of their causes, as well being plaintiffs as defendants of the said nation; and in the articles of peace, in the ninth article, and the thirty-eighth, it is expressly ordered and agreed, that they should be kept with all the exemptions granted to the said English nation, together with the rights and privileges granted to any other nation whatsoever, or to the Hans-Cities: as also doth appear by another cedula set forth by the queen our lady; and these Hans-Towns, have the privilege of a judge conservator, being either plaintiffs or defendants, as the said English nation hath, as appears by a copy of the said cedula, and the cedula which I now present and swear to: Given in Madrid the 20th day of March, in the year 1670. I entreat your lordship therefore, to command the said cedulas, and articles of peace be perused, and to order, that they be observed, and executed in all respects; let those of the English nation, be either

plaintiffs or defendants, providing as much as may be, in favour of the said nation: I ask justice, &c.

*Don Brian Johnson, Lic.
D. Juan de Oliver.*

The QUEEN Governess.

C E D U L A.

FOrasmuch as the merchants of the English nation, which trade in the city of Sevilla, have represented, that they receive many vexations from the ministers which reside therein, contravening the articles between this crown and that, humbly entreating me, that for the future they may not be prejudiced in any thing that hath been agreed to, or ordered in the articles of the peace, and that I would order the necessary dispatches to be given for the observance thereof: as also that the cedula which the king my lord (now in glory) granted them, in the year 1645, may have their full force and vigour, as being part of the last treaty adjusted between me, and the most serene king of Great Britain, as is referred to in the ninth article, I have consented thereunto: wherefore I order and command the president of the court of degrees of the city of Sevilla, and all other ministers thereof, to whom belongs the performance of the one and the other, that in all respects whatsoever, they inviolably execute all what is contained in the said articles of peace, and granted by the cedula referred to, whensoever they are required by them, or authentick copies, without going against the tenor thereof in any wise, for such is my will. Given in Madrid, the 20th of March, 1670.

*I THE QUEEN.
D. Diego de la Torre.*

P E T I T I O N.

I Don Brian Johnson, consul of the English nation, appear before your lordships, and say, that it is convenient for the said nation, that Andrez Perez de Mansilla, notary of the government of this city (before whom were pub-

published the articles of peace, which were adjusted in the year 1677, between this crown and that of England) do give a copy of the ninth, and thirty-eighth articles, wherefore I desire your lordships, and humbly entreat, that you cause to be issued out, your compulsory mandate, to the end, that the said Andrez Perez de Manfilla, may give an abstract of the said articles: I ask justice.

Don Brian Johnson.

THE ACT.

THAT the said Andrez Perez de Manfilla, do give, on the behalf of the said consul, an authentick copy, attested in due form, of the two articles of the peace, which this petition refers to, and that this act serve for a mandate. His lordship Don Rodrigo Serrano y Trillo, of his majesty's council, president of the royal court of this city, judge conservator of the English nation, has ordered it in Sevilla, the 13th day of the month of September, in the year 1670.

Don Rodrigo Serrano y Trillo.

Before me,
Juan Goncales de Avellaneda.

CERTIFICATE.

ANdrez Perez de Manfilla, notary publick for our lord the king, and for the government of this city, do certify, that by the registers of publick acts made upon what hath been adjusted, and concluded between this crown and that of England, for renewing the articles of peace, and commerce, which were published in this city, the 29th day of the month of December, in the year 1677, by virtue of the cedula from our lady the queen, directed to the count de Humanes, who was then governor, and colonel of the forces in this city and its districts, and which copy, authorized and compared, is in the said acts, and with them a copy for the continuation and renewing of the peace and amity between the two crowns of Spain and Great Britain, printed in quarto, which is that which was remitted to Madrid with the said cedula, and is the same which was published in this said city, and in the publick

places thereof, and amongst the articles of the said treaty of peace, there are two, the one number nine, and the other number thirty-eight, which are of the tenor following, viz.

Article **T**HAT the subjects of the king of Great Britain, trading, buying and selling, in any of the kingdoms, governments, islands, ports, or territories of the said king of Spain, shall hold, use, and enjoy, all the privileges and immunities which the said king hath granted and confirmed to the English merchants, which reside in Andalusia, by his royal cédulas or orders, made the 19th of March, the 26th of June, and 9th of November, 1645: his Catholick Majesty, by these presents, ratifying the same, as part of this treaty between the two crowns; and to the end that it may be manifest to all people, he hath consented that the said cédulas, as to their entire substance, be brought, transferred, and incorporated in these present articles, in the name, and in behalf, of all and every of the subjects of the king of Great Britain, residing and trading in any part whatsoever, within the dominions of his Catholick Majesty.

Article **I**T is agreed and concluded, that the people XXXVIII. and subjects of the one and the other of their said majesties, shall have and enjoy in their respective lands, seas, ports, roads, coasts, territories, and places belonging to each other, the same privileges, securities, liberties and immunities, as well touching their persons, as their trade, which have been given, or shall be given by one or the other part, to the most Christian King, or the States General of the United Provinces of the Low Countries, or to the Hans-Cities, or any other kingdom or state whatsoever, and that it be with all the clauses and circumstances in their favour, in as full, ample, and beneficial a manner, as if the same was here particularly referred unto, and inserted.

As is manifest and appears from the said treaty of peace and amity, between this crown and that of Great Britain, which now remains in my custody, to which I refer myself; and that it may be manifest, in virtue of the act passed by

by Don Rodrigo Serrano y Trillo, of his majesty's council, and his president in the royal court of this city ; and at the request of Don Brian Johnson, I have given these presents in Sevilla, the 15th day of the month of September, 1670. In testimony of the truth,

Andrez Perez de Manfilla.

Cedula of Privileges granted by his majesty to the English, which reside in Sevilla, St. Lucar, Cadiz, and Malaga.

DON Philip, by the grace of God, king of Castille, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Portugal, of Navarre, of Granada, of Toledo, of Valencia, of Majorca, of Sevilla, of Sardinia, of Cordua, of Corcega, of Murcia, of Jaen, of the Algarves, of Algécira, of Gibraltar, of the islands of the Canaries, of the East and West Indies, islands, and Terra Firma of the ocean, archduke of Austria, duke of Bourgona, of Brabant, and of Milan, count of Apsburg, of Flanders, lord of Biscay, and of Molina, &c.

Forasmuch as on the part of you Richard Anthony, consul of the English nation, by you, and in the name of the vassals of the king of Great Britain, information hath been given to me, that by means of the peace, which between this and that kingdom is settled, those which do reside and commerce in Andaluzia, principally in the city of Sevilla, San Lucar, Cadiz and Malaga, humbly entreat me, that I would be pleased to confirm to you the privileges, exemptions, and liberties which appertain to you, as well by the articles of the said peace, as by the confirmations of them, and other favours and indulto's, which the king my lord and father, (now in glory) granted you, and all others whatsoever, that have been granted by my crowns of these my kingdoms of Castille and of Portugal, commanding that they be observed and accomplished in all, and through all, without any limitation, and that they may be of more force, to grant them anew, with the qualities, amplifications, conditions and declarations, which may be most convenient for you, imposing punishments upon

whom shall contradict them, and not observe them; and that it may be known what they are, that there be given copies of them, of what favour I have granted them, having a due regard to the aforesaid, and because that for the occasions which I have of wars, you have offered to assist me with two thousand five hundred ducats of silver, paying one thousand down, and the other thousand five hundred remaining, in the month of April, of this present year, for which Don Francisco Moreno, with the intervention of Don Antonio de Campo-Redondo y Rio, knight of the order of St. James, of my privy council, and of my exchequer, in your name, and by virtue of your power, passed a writing or obligation in form, before John Cortez de la Cruz, my notary, I have thought fit, and by these presents, of my own proper motive, certain knowledge, and royal and absolute power, which in this part I will use, and do use, as king and natural lord, not acknowledging any superior in temporals, I confirm and approve the said privileges of exemptions, and liberties which appertain to you, as well by the articles of the said peace, as by the confirmations of them, and the rest of the favours, indulto's, which the king my lord and father granted you, and any others whatsoever, which have been granted by my crowns of Castille and Portugal, to the said vassals in all, and through all, as therein, and in every thing, and in part thereof is specified, contained and declared, that they may be firm, stable, and valid to you, and be observed to you, kept and fulfilled, because that my intention and deliberate will is, that all those of the said nation may enjoy, and do enjoy them without any limitation, with condition, that during the time they shall reside in Andalusia, the said English may not be put upon any office, or in any publick post, nor made guardians, trustees, nor collectors, although they may be of the duties of Alcavalus, and Millones, or other duties which relate to my royal treasury; nor shall they demand from you loans, or donatives, nor oblige you to farm any rents, nor take your horses or slaves.

And to do you further favour, in conformity of what is capitulated in the said peace, I will and permit that you may, and do trade and commerce freely, and sell your mer-

merchandizes and goods, and buy those of my kingdoms, and carry them thence, observing what is ordained by the laws and decrees that treat thereof, paying into my royal treasury the duties that ought to be paid, prohibiting as I do prohibit, and command that they do not take from you by force, any merchandizes, as wheat or barley, although it be for dispatch of my Armadas, fleets or galloons, neither for the Assentistas, nor Estranqueros, and the said privileges shall be as to wheat and barley, according to the tax; and as to other things and merchandizes, as you shall covenant and agree for, without taking them from you till they have paid you for them, and that they shall not, upon the account aforesaid, give you any manner of trouble or vexation.

And because that many of you trade in bringing to the ports of Andalusia, city of Sevilla, and other parts, a great quantity of Bacallao, and other kinds of fish dry and salted, which being the most necessary provisions that can be, and creates you a great deal of cost and trouble, I will and command that you enjoy the custom of the city of Sevilla, in which it is ordered, that those which arrive with any fish dry and salted there, may not be imposed any rate, but that they sell at the price they will, without that it be necessary that they manifest it to more than to the ministers which recover my royal revenues, and that if the ships in which they bring the said bacallao be great, that they cannot come up the river, and shall unload them in barks, the judge of the admiralty, or any other, may not put in the said barks, any guards at the cost of the owners of them. In like sort I command, that in case it appears that the said fish is rotten, and cannot be spent, it be burnt or cast into the sea, without that by reason thereof, there may be made any process against the owners, or persons that sold it, or be imprisoned or informed against.

And because that the administrator of the Almonarifargos, and divers other duties, which are recovered on goods and merchandizes, have been used upon information given, to seize the person they suspect, which, to men of trade, occasions much discredit, costs and vexations; my will is, and I command, that upon the said in-

formations, they only proceed against the merchandizes, and not against the persons, permitting them, as I do permit them, that they may make, and do make their defences against the said vexations.

And whereas, according to one article of the said peace, which treats in matter of religion, notwithstanding that in some law-suit, it hath been endeavoured that they declare, whether they be Roman-catholicks, or not, excusing, giving credit to the oath which they make, as being parties, or as witnesses, I command therefore, that in those matters, they shall not meddle with the natives of the said kingdom: but that the said condition be fully observed, without making them any such questions, and to the oath you shall tender them in court, the same faith and credit shall be given, as if they were natural Spaniards, without that upon this account, they are molested, or troubled, or receive any grievance.

And by reason that for justification of some causes, the judges and justices pretend, that the merchants should exhibit their books of trade, and thereupon they receive vexation and trouble, I command and will, that the books of the merchants of the said nation, be not taken from them, but that they produce them in their own houses, to take out the article which shall be appointed, without demanding others, nor may be taken from them any other papers, upon punishment of him that shall contravene herein, to be chastised according to law.

And because likewise the merchants enter their goods in the custom-house of the city of Sevilla, of all the duties, which, because they are many, is made upon one sheet of paper, and firmed and signed by all the officers, and remains in possession of the warehouse-keeper of the custom-house, that by virtue thereof, he may deliver such goods as go in bales, packs, trunks and chests, and after they have taken them out, and put them in their houses, and warehouses, the head waiter of the custom-house, and the officers of the half per cent. shall not search your houses, nor goods, causing you trouble and vexation, asking of you the dispatches, it being manifest that you cannot have them, having left them in the power of the said head waiter. I prohibit therefore and command, that the houses of the
said

said merchants shall not be visited, nor be asked of them the dispatches of their goods, which doth not remain in their custody, so that this is to be understood, and is understood of the houses which are within the walls of the said city. And that it may be known, those who are of the said nation, let copies be given of the said privileges, and exemptions which concerns you, and were granted you, as well by the articles of the said peace, as in any other manner whatsoever; and for the execution and accomplishing of all the aforesaid, I command those of my privy council, and the rest of my counsellors, juntas, and tribunals of my court, and the presidents, and justices of my courts, as also the judges, and justices of the peace belonging to my house, court, and chancery, and the regent, and judges of my court *de Grados*, in the city of Sevilla, and the chief magistrate of the court thereof, and all mayors, governors, magistrates, and other inferior officers, as well of the said cities of Sevilla, Cadiz, and Malaga, and San Lucar de Barrameda, as of all other cities, towns, and places of these my kingdoms, and dominions, and judges, and justices thereof, of whatever quality and condition they may be, to whom principally or accidentally it shall concern in any manner whatsoever, the accomplishing of all that is contained in this my letter, that as soon as they shall have been required herewith, or with a copy thereof signed by a publick notary, (to which shall be given as much credit as to the original) each one for that part which shall concern him, observe and accomplish, cause to be observed and accomplished, in all, and through all, as is contained therein, without that in the whole, or in part, there be put any impediment, or other doubt, or difficulty that shall oppose or contravene its tenor, and form, nor consent, or allow that it be interpreted, limited, or suspended in whole, or in part, contrary to the cédulas, provisions, or other orders for observance thereof, in that part which shall relate to each of you, and that they provide, and give the necessary orders for the greater security of the favour, which by this my letter I grant you; and that at all times, this favour may be certain and secure to you, that you may have a judge conservator for Andaluzia, principally for the said cities of Sevilla, Malaga, Cadiz, and San Lucar de Barrameda,

Barrameda, to whom I shall give sufficient commission for the preservation and accomplishing of the said privileges, liberties and exemptions, (which may oblige and compel all and every person whatsoever, of whatsoever condition, or quality soever they be,) as shall concern the said nation, as well in those in which they shall be defendants, as in those in which they shall be plaintiffs, although the person which shall sue them, and of whom they shall be sued, may have any other special judges whatsoever, as well by covenant or contract which they may have made, as by the preeminencies or immunities which they may have, because that of the said causes only the said judge conservator may take cognizance, and no other judge or tribunal whatsoever, although it be for any excess or notorious crimes, or in any other manner and form whatsoever; and the said judge conservator for the present, shall be doctor Don Francisco de Vergara, judge of my court of degrees of the city of Sevilla, during the time that he shall act therein, and, in his absence, doctor Don Francisco de Medrano, judge of the same court, who, for matters and law-suits which shall offer in the said cities of Cadiz, Malaga, and San Lucar, may substitute his conservatorship in the person that shall be proposed by the said nation, that they may be laid before, and remitted to him, for the determination thereof; and of that which shall be so determined by him, they may appeal to my council, and not to any other tribunal, and because that my will is, that each one in his time may have jurisdiction and special commission, to protect and defend you in all that is contained in this my letter, and that all of it may be observed, and accomplished, in the form that it is offered to you; I have thought fit to give charge, as by these presents I give them charge of the protection and defence thereof, and command them, that they see this my letter, and the qualities, and conditions, and preeminencies, and amplifications, contained therein, and cause all of it to be observed and accomplished, in the form accordingly, and in the manner that is contained therein, and declared, without consenting or allowing that in whole or in part, they may put, or do put any doubt or difficulty therein; and before the said Don Francisco de Vergara, and in his absence before

Before the said Don Francisco de Medrano, and not before any other special judge, the first motion shall pass, and be followed in all causes and law-suits for what relates thereunto, and cause the same to be executed, and a chastisement of the disobedient, for such is my will; and that the cognizance and determination of all that is contained in this special letter, shall concern them, and doth concern them, that they proceed against those that shall be guilty, executing on them such penalties as the law requires, reserving, as I do reserve to my council, the appeals, which by their acts and sentences they shall interpose, and not for any other tribunal, without that any of the rest of my councils, tribunals, courts or chanceries, or any other judges or justices of these my kingdoms and dominions, of whatsoever quality they be, may intermeddle, or do intermeddle therein, neither in the practice nor exercise of the special jurisdiction, which by this my cedula I grant them, be it by way of excess, appeal, or any other recourse whatsoever; to whom and to each of them I inhibit, and hold for inhibited their cognizance, and declare them for judges incompetent thereof, for the whole, and in each thing, and part thereof, granting them as full and complete power, and most ample commission as in law is required, and is necessary, with their incidencies, dependencies, annexities, and connexities; and that, after them, the said English nation of the said city of Sevilla, may name in the said commission, one of the judges of the said court, whom the said nation shall think fit; and I command the president, and those of my privy council, that presenting before them his name, in case the said commission be vacant by promotion, or vacation of the said Don Francisco de Vergara, or Don Francisco de Medrano, or in any other manner, they shall be dispatched by him that shall be named, in the form accordingly, and as by this my letter is ordained: and for the better performance hereof, for time to come, I grant them power, licence, and authority, that they may substitute, and do substitute this commission for matters, and law-suits, which shall offer in the said cities of Cadiz, and Malaga, and San Lucar de Barrameda, in the person which by you shall be proposed to them, that they may examine matters, and bring them to conclusion,

sion, and remit them the law suits and causes you shall have, to determine them in the form they shall think fit; and see convenient for the security of what is contained in this my letter; and I encharge the most serene prince, Don Balthasar Carlos, my very dear and beloved son, and command the infantes, prelates, dukes, marquesses, counts, barons, knights, esquires, governors of castles, fortresses, and plains, and those of my council, president and judges of my courts, officers of my house, and court, and chancery, and all mayors, governors, deputy-governors, justices of the peace, and other whatsoever justices and judges of my kingdoms, and dominions, that they observe to you and accomplish, and cause to be observed and accomplished, this my letter, and favour, which I do grant you, and against the tenor and form thereof, not to go, nor act now, nor at any time, nor by any manner, perpetually, for ever, nor consent, or allow that they be limited to you, or suspended in whole, or in part, all its contents, whatsoever laws, or orders of these my kingdoms, and dominions, ordinances, stile, use, and custom of the said cities of Sevilla, Cadiz, Malaga, and San Lucar, and all others, which they have, or may have, to the contrary notwithstanding, forasimuch as doth concern these presents, accounting it to be here inserted and incorporated, as if it had been word for word, and of this my letter Geronimo de Canencia, my chief treasurer and accountant, and my secretary de la Media Anata, is to take cognizance, to whose charge is committed the account of the said duty; and I declare, that of this favour, you have payed the duty of Media Anata, which imports thirty and five thousand, one hundred, fifty and five Maravedis in silver, which you are to pay every fifteen years perpetually, and that being complied with, you shall not have the power to use this favour, without that it first appears that you have satisfied this duty, and also that you pay the judge conservator you shall name, the salary which he shall enjoy by the said occupation, which is to be manifested by certificate from the office of this duty. Given in Zaragoza, the 19th day of March, 1645.

I THE KING.

Second Cedula, amplifying and confirming the Privileges granted to the English nation..

TO doctor Don Francisco de Medrano, judge of my court of degrees of the city of Sevilla; know ye, that by one of my letters and decrees of the 19th of March, of this present year, I did grant (to Richard Anthony, consul of the English nation, and to the subjects of the kingdom of England, which reside and trade in Andaluzia, principally in this city, and in that of Cadiz, and in that of San Lucar de Barrameda) the privileges, exemptions and licences, which appertain to them, as well by the articles of the peace, as by the confirmation, and other favours and indultos, which the king my lord and father (now in glory) granted them, and with the other qualities, conditions, preeminences, and amplifications in the said decree declared, for having offered to serve me with two thousand five hundred ducats of silver, according as more largely thereby doth appear, to which I refer myself, and one of the conditions which I did grant them, was, that I would name and allow them a judge conservator for Andaluzia, principally for the said two cities, and San Lucar de Barrameda, to whom should be given sufficient commission, for the observance and accomplishment of the said privileges, liberties and exemptions, who should take cognizance of all causes, both civil and criminal, which should be brought against them, in which they were made defendants, that before him should come all law-suits, and causes whatsoever, which should concern the said English, or any other persons whatsoever, of whatsoever quality they may be, as well those in which they shall be defendants, as in those in which they shall be plaintiffs, although the persons that shall sue them may have special judges, as well by agreement or contract, which they may have made, by the preeminence or immunity which they may have, because of the said causes, only shall take special cognizance the said judge conservator, and no other judge, or tribunal, although it may be by way of excess, or in any other manner or form whatsoever, and that for the causes and suits that shall offer in the said cities of Cadiz and Malaga, and San

San Lucar, may be substituted their commission in the person, which by the said nation shall be proposed, that he may bring things to a conclusion, and that they be remitted to him to determine, and of that which the said judge shall so determine, they may appeal to my council, and not to any other tribunal, and that the time you shall act in the said court, you shall be esteemed as such, and in your absence, and after you, he whom the said nation, in the said city of Sevilla shall appoint, and because that my will is, that all this be observed, and accomplished in the form as is expressed, I have thought fit to give charge to you, and by this present do give you charge of the protection and defence hereof, and command you that you see the said decree, and the conditions, preeminences, and amplifications therein contained, and all of it be observed, and accomplished in form accordingly, and after the manner that in the said decree, and in this my cedula is declared, without consenting, or allowing that in the whole or in part, may put or be put, any doubt or difficulty, and before you, and not before any other judge, at the first instance shall be brought and followed, all causes and law-suits; which thereupon, or any other thing or part thereof, shall be made, and cause cognizance to be taken of all causes, civil and criminal, in which they shall be prosecuted, or against them shall be attempted, and before you shall be brought whatsoever law-suits and causes which shall concern the said English, between whatsoever persons, or whatsoever quality they may be, and the execution, and chastisement of those that shall disobey; because that my will is, that the cognizance and determination of all that is contained in the said provision, and in this my cedula of amplification, specially shall and do concern you, proceeding fully against those that shall be guilty, executing upon them the punishments you shall find by justice due to them, without that any of the tribunals, courts of chancery, or any other judges, or justices of my kingdoms and dominions of Castile, of whatsoever quality they may be, may intermeddle, or do intermeddle herein, neither in the use nor exercise of the special jurisdiction in the said first instance, which by this my cedula I grant you, be it by way of excess, appeal, or any other recourse or manner,

manner, to whom, and to each of you, I inhibit, and hold for inhibited their cognizance, declaring you for judges incompetent thereof, as for the whole, and every thing, and part thereof, and I grant you the most full and compleat power, and most ample commission, as by law is required and necessary, with their incidencies, dependencies, annexities and connexities, and that after you, the said English nation of the said city of Sevilla, may have power to name in the said commission, one of the judges of this court, whom the said nation shall think fit, and I command those of my privy council, that presenting before them his name, the said commission being vacant by promotion or otherwise, him who shall be named, shall have his dispatches in due form, according as in this my cedula is ordained, and that it may the better be accomplished all that is contained in the said decree, and in this my cedula, I grant you licence, power and authority, that you may substitute, and do substitute this commission for matters, and law-suits that shall offer in the said cities of Cadiz, Malaga, and San Lucar, in the person that by the said nation shall be proposed to you, that he may conclude matters, you remitting to him the termination thereof, in the form you shall think fit, such as may be for the security of the said decree, and that all may be observed in the form, which by it is ordained and commanded, any laws and pragmatikas of my said kingdoms, and dominions, ordonnances, stile, use and custom, or any thing whatsoever, to the contrary notwithstanding: All which, and forasmuch as relates to these presents, I dispense with, abrogate, and derogate, make void and annul, count for nothing, and of no value and force, and that these presents remain in full force and vigour for the future. Done in Zaragoza, the 26th of June, in the year 1645.

I THE KING.

By command of our lord the king.

Antonio Cannero.

DON Philip, by the grace of God, king of Castille, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarra, of Granada, of Toledo, of Valencia, of Galicia,

Galicia, of Majorca, of Sevilla, of Sardinia, of Corcega, of Murcia, of Jaen, of the Algarves, of Algecira, of Gibraltar, of the islands of Canary, of the Indies East and West, islands and Terra Firma of the ocean sea, archduke of Austria, duke of Borgona, of Brabant, and Millan, count of Abspurg, of Flanders, of Tirol, of Barcelona, lord of Biscay and Molina, &c.

Forasmuch as by my letter and decree of the 19th of March, of this present year, I did grant to you, the subjects of the king of Great Britain, who reside in Andaluzia, a confirmation and approbation of the privileges, cedulas, and franchises which were granted you by the crowns of Castille and Portugal, and commanded that they should be kept, and observed to you the said articles of peace, made between my crowns and that of England, and that by my other cedula of the 26th of June of the same year, you may name a judge conservator, that shall take cognizance of all your causes civil and criminal, as well in those in which you shall be plaintiffs, as in those in which you shall be defendants, with other conditions, amplifications, and pre-eminences, in the said decree and cedula contained, referring myself to the tenor thereof.

And now on your part, relation having been made to me, that having presented the last cedula in the assembly of the court of degrees of the city of Sevilla, a copy thereof was ordered to be given to Don Juan de Villalva, my fiscal of the said court, who kept it in his possession from the 15th of July, without having answered it till now, which hath hindered and deprived you of the benefit and performance of the said decree and cedula, to your great prejudice and detriment, although by what is ordained thereby, the judge conservator ought to take cognizance of all causes, civil and criminal, as well being plaintiffs as defendants, with any person whatsoever you should trade with, your intent being only to enjoy the said privileges and judge conservator, when there should be any law-suits between those of your nation, whether you be plaintiffs or defendants, and whether the causes be civil, or whether they be criminal, and when the suits shall be with Spaniards, or with other persons of different nations, the conservator is to take cognizance so far only of the causes in
which

which you shall be civilly or criminally prosecuted as defendants, and not in which you shall be plaintiffs, humbly intreating me, that whereas in this particular you have waved and desisted from the said privilege before Alonso de Alarcon, that I would be pleased to declare it, with the conditions, amplifications, and preeminences, as may be most convenient for you, and shall be most necessary for the greater force of what is insisted, of what my pleasure shall be; and because that for the service of the wars, you have offered to assist me with one thousand five hundred ducats in silver, payable at certain prefixed days, I have thought fit, and by these presents I will and declare, that when the suits shall be between those of your nation, whether you be plaintiffs or defendants, or the causes shall be civil or criminal, you shall enjoy the said privilege and its conditions: and when the said suits shall be with Spaniards, or with other persons of divers nations, that the judge conservator shall take cognizance, and do take cognizance only of the causes in which you shall be civilly or criminally defendants, and not when you shall be plaintiffs.

And because that the duties of excise of millones, which are imposed on bacallao dry and fresh, pillchards, herrings, and salmon, and other kinds of fish, fresh and salted, it was ordered that it should be recovered of those which consume it; and by reason the farmers of these duties, and judges which take cognizance of these causes, do occasion you great grievances, and oblige you to pay two hundred marvedis for each quintal of bacallao, and accordingly on other sorts as are permitted; and upon the arrival of the ships at the ports of Malaga, Cadiz and San Lucar, they oblige you to declare the quantity of fish you bring, charging you, by the great for the whole, obliging you to the payment thereof, as money due to me, and oblige you to the payment thereof in four months of what it amounts to, which is unjust, because that those who buy these kinds, are clergymen, fryars, monks, and other persons which have privileges and habits, mayors, aldermen, and common-council men, for which cause the farmers of these duties will not recover them of such, but recover them of you for the whole, without considering the quantity they steal from you, that which is rotten, and

what you spend in your own families, and if you insist on the recovery thereof of such persons, they treat you ill, and do not pay you; therefore I will and command, that this duty be recovered of the buyers and consumers, and that the farmers put a person for their account, that may recover the same, as is done in the revenues of alcavala and almoxarifazgo, with this condition, that you be obliged, as I oblige you, that you shall register all the said kinds of fish aforesaid, as you are obliged to do, according to the general dispatches, without that this may be in any manner avoided.

And because from the visits which the farmers of duties make you, there results a great deal of trouble, I will and command, that in the cities of Malaga, San Lucar and Cadiz, be observed to you, and kept the privilege, that they may not examine the merchandizes which are in your houses, according to what is ordered and commanded by the said decree, of the nineteenth of March of this present year, being the same which is granted to those who reside in the city of Sevilla: and likewise I command that the said search may not be made by any farmer, if in the Custom-house you have paid all the duties, and that this be observed to you, and accomplished inviolably.

And because that all ships that come to these my said kingdoms, from those of England, Ireland and Scotland, the minister of the contrabands, and of the almoxarifazgo upon searching them, as they enter the ports, cause great vexations, and trouble to the masters of them, and shut up the holes and hatchles of the said ships, deferring the visiting them eight or fifteen days, putting waiters aboard at the cost of the masters, who they will have to maintain them, and make them presents. I command the said ministers, as well of the contraband, as those of almoxarifazgo, and every of them, that within three days they shall and do make the said visit, without putting waiters aboard them or taking any duties by reason thereof, and if they shall put them, it shall be at the cost of the chief almoxarifazgo, and the admiralty, since you owe nothing: and when there shall come into the said ports of Malaga, Cadiz, and San Lucar, any ship with provisions, or merchandizes,

chandizes, neither at the time of the visit, and of the unloading, nor at any other, as aforesaid, I order that the judges, and officers of the contraband, nor admiralty, nor any others, may not put, or do put in them waiters at the cost of the masters or owners, nor do give you any trouble, either the one, or the other upon that account, according to what is ordered in the fourth article of the institution of the said admiralty, by which it is exprest, relating thereunto, for the satisfaction of the waiters and other officers, in the eighth article of the peace, in which it is ordered, That the vassals of the one king in the territory of the other, shall be treated as the natives, themselves, in whose ships never are put waiters at the cost of the masters, or owners thereof.

And because also, that the officers of the contraband in the said ports, as soon as the ships cast anchor, demand of the masters their manifest, and if they do not find in it the merchandizes that come consigned to you, they give you trouble, although you have the bills of lading that the masters have signed for them, to deliver them according to their consignment, in which you receive a great deal of damage, because that the best instrument you can have is the bills of lading, because that by them, you may oblige them by justice to deliver you your goods, and if the masters by neglect or malice, do not write them in the said manifest, it is not just, that they execute the punishment upon the owners of the goods, but upon the masters and ships, and in so doing, the manifest shall be always justifiable. Wherefore it is my will, and I declare, that the masters do comply with exhibiting their manifest, within three days after their arrival in the said ports, and I command, that by reason hereof, the owner of the goods shewing the bill of lading, you may not give him any trouble, or molestation whatsoever.

And because likewise the judges for exportation, and other officers, cause you much trouble and vexation if they find in the ship any money, and it being necessary that the masters have a sum according to the tonnage, to buy sails, cables, anchors, and other necessary stores, I give licence and permission, that having first made a register, as is usual, every ship may have three pieces of eight

for every ton, for the said purpose, and not for any other, without therefore that upon that account they be put to any trouble.

And because, that also they of the excise office of the said city of Sevilla, occasion you trouble, vexation, and law-suits, saying, that there is an order that you shall manifest the butter, leather, and other merchandizes, and provisions, and that you declare the price you sell them at, and to what persons, by which means it is two years since, that you have not brought any butter to the said city, and the order doth not relate to the strangers that bring these goods, and provisions by sea, but only with the retailers that go to buy them in the ports, and bring them to the said city to gain by them, I declare, that you have no obligation to make the said manifest and declaration, nor can they be obliged thereby to make them, nor to make a process against you, and if they do, I command they be remitted to the judge conservator to determine them.

And because that many times you have taken leases of the houses in which you live, and keep your merchandizes, and while you are in them persons of great authority take them from you, before your lease is expired, because they be large and stand where trade is, and oblige you to remove the goods, whereby they are damaged and stolen from you; I will, and command, that during the time of your lease, the said houses may not be taken from you by any person, although he may be a judge, and have a particular privilege.

And that all this may be certain and secure, I command the regent, and judges of my court of degrees of the city of Sevilla, and the judges of the courts thereof, and my governor of the said city, and his deputy, and the other judges and justices thereof, and of others whatsoever cities, villages, and places of my kingdoms, and dominions of my crowns of Castile, to whom principally or accidentally shall concern what is here contained, that all causes which shall be depending, in which you shall be defendants, being of the qualities in this my letter contained, that they may provide and give order, that they may be remitted presently to the judge conservator, as I have

have named you, in the posture they shall be, though they may have been begun before, or after my said decree of the nineteenth of March, of this present year, together with the said decrees, and cedulas (notwithstanding it having being ordered by said my court of degrees, to give a copy thereof to my said judge) without making therein any excuse, reply, doubt, or any difficulty whatsoever; and I command, that they do not intermeddle, nor may intermeddle in any thing concerning what is contained in the said decree, and cedulas, and in this my letter, but that they observe, and fulfil, and cause to be observed, and fulfilled, and executed in all, and through all, as therein is contained, and that each of you, in that part which shall concern him, do cause them to be put in true and due execution effectually, so as in all respects it may be complied with, without that it be necessary to have further recourse to me hereupon, whatsoever laws, and pragmatics of these my kingdoms and dominions, ordinances, statutes, use and custom, which they have, or might have, to the contrary notwithstanding; with which, for as much as relates to these presents, I dispense, abrogate and derogate, make void and null, and give for no value and effect, these presents remaining in full force and vigour for the future, and of this my letter, the clerks of my royal treasury are to take notice, and I declare, that for this grant, you have paid the duty of the media anata. Given in Valencia, the nineteenth day of November, in the year one thousand six hundred forty five.

I THE KING.

The Treaty of UTRECHT.

THEIR royal majesties do mutually promise, that they will faithfully perform and fulfill all and every one of the articles of the foregoing treaty, and all privileges, concessions, agreements, or other advantages whatsoever, arising to the subjects on either side, which are contained in them, or in the annexed schedules; and that they will at all times cause the same to be performed and fulfilled by their ministers, officers, or other subjects, so that the subjects on each side may enjoy the full effect of all and every one of them, (those only excepted, con-

cerning which something else shall be established in the following articles, to the mutual satisfaction of each party) and of all those likewise which are contained in the following articles. Moreover, the treaty of 1670, made between the crowns of Great Britain and Spain, for preventing all differences, restraining depredations, and establishing peace between the said crowns in America, is again ratified and confirmed, without any prejudice however to any contract, or other privilege or leave granted by his Catholick Majesty to the queen of Great Britain, or her subjects, in the late treaty of peace, or in the contract of Assiento, as likewise without prejudice to any liberty or power, which the subjects of Great Britain enjoyed before, either through right, sufferance or indulgence.

II. The subjects of their majesties, trading respectively in the dominions of their said majesties, shall not be bound to pay greater duties, or other imports whatsoever, for their imports or exports,, than shall be exacted of, and paid by the subjects of the most favoured nation; and if it shall happen in time to come, that any diminutions of duties, or other advantages shall be granted by either side, to any foreign nation, the subjects of each crown shall reciprocally and fully enjoy the same. And as it has been agreed, as is above mentioned, concerning the rates of duties, so it is ordained as a general rule between their majesties, that all and every one of their subjects shall, in all lands and places subject to the command of their respective majesties, use and enjoy, at least the same privileges, liberties and immunities, concerning all imposts or duties whatsoever, which relate to persons, wares. merchandize, ships. freight. ing, mariners, navigation and commerce, and enjoy the same favour in all things (as well in the courts of justice, as in all those things which relate to trade, or any other right whatsoever) as the most favoured nation uses and enjoys, or may use and enjoy for the future, as is explained more at large in the 38th article of the treaty of 1667, which is specially inserted in the foregoing article.

III. Whereas by the treaty of peace lately concluded between their royal majesties, it was laid as the basis and foundation of the said treaty, that the subjects of Great Britain should use and enjoy the same privileges and liberty
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of trade throughout all the dominions of Spain, which they enjoyed in the time of Charles II., and therefore the same rule is likewise, and ought to be, the basis and foundation of the present treaty of commerce, (which is understood to extend reciprocally to the subjects of Spain trading in Great Britain, in regard to whatsoever, by agreement, belongs to them :) and whereas a certain, clear, and expeditious method of paying the duties, is of the greatest use in settling trade upon a good foot, and to the mutual advantage of each nation ; it is therefore agreed and concluded, that within the space of three months from the ratification of this treaty, commissaries appointed for that purpose by their respective majesties, shall meet on the part of each of their royal majesties, either at Madrid or Cadiz ; by whom a new book of rates shall, without any delay of time, be made, which book of rates shall be published in every port, and shall contain, and severally express the duties which are hereafter to be paid for wares brought into, or carried out of Castille, Arragon, Valencia and Catalonia, and shall settle them in such a manner, that all the different imposts which, in the time of the late king Charles II. were paid under several names, and in different custom-houses, for wares entering into, or going out of the ports of Spain, (the kingdoms of Arragon and Valencia, and the principality of Catalonia being comprehended therein, Guipuscoa and Biscaya, of which mention shall be made hereafter, only excepted) shall be put together, and be contained in one duty, and payable only in one sum.

But whereas the British ambassador made pressing instances, that it might be given as a rule to the said commissaries, that no greater duties, or other imposts whatsoever, should be made payable in any port, wet or dry, in his said Catholick Majesty's dominions, by the said new book of rates, than what were paid in the custom-houses of the port of St. Mary's, or Cadiz, in the reign of the late king of Spain, Charles II. the ambassadors of Spain have consented, and it is agreed and stipulated, that that rule shall be observed in those very ports of Cadiz and St. Mary's ; so that all augmentations of duties which were introduced in the said ports after the time of Charles II.

on occasion of the war, or under the title of habilitation, or a y other whatsoever, ceasing and being taken away, the British subjects shall not, before or after the said book of rates is settled, be bound to pay any greater duties, of what sort soever, or under what name soever, for their imports or exports in the ports of St. Mary's and Cadiz, than what were paid there in the time of King Charles II.

Moreover, in regard to the ports of St. Mary's and Cadiz, the said commissaries shall be strictly enjoined not to make the new book of rates according to the old indexes of duties, which, by reason of the exorbitant rights that were appointed to be paid by them, ceased to be in use in the time of Charles II. but shall follow the tenor of those indexes only, (which whether they were commonly called *arancel* or registers) shall be found to have subsisted in the time of king Charles II. and to have been the rule by which the duties were then paid.

And it is further agreed, that the subjects of Great Britain, having paid these duties for their wares in the said ports, to wit, those, until the new indexes are made, which were paid in the time of Charles II. or else such as shall be made payable by the said new book of rates, shall have liberty to transport the said wares, either by sea or land, into any other port or place of the aforesaid dominions of Spain, nor shall the duties which were paid before, be re-exacted on that occasion.

Moreover, for preventing all disputes, which (notwithstanding the exact administration of justice in Spain in all other respects) have formerly arisen concerning other duties, which, to the great prejudice of trade and traders, have been exacted formerly; it is agreed, that wares which have paid the duties in the manner aforesaid at Cadiz, or the port of St. Mary's, and are transported in order to be sold by wholesale, shall be free and clear from any other duty whatsoever, throughout all Spain, provided however, that the proprietor of the said wares or factors bring certificates, that the duties were duly paid in the manner aforesaid, otherwise such wares shall be looked upon as fraudulently transported. But as to the payment of the rights commonly called *de Alcaualos*, *Cientos*, and *Millones*, it is
agreed,

agreed, that it shall be regulated according to the fifth and eighth article of this treaty.

But because the Spanish ambassadors are persuaded, that the duties in every port of Spain cannot be reduced to the same rule with those which are or may become customary in Cadiz, or the port of St. Mary's, without violating the laws of Spain, and several privileges there, which have the force of laws, nor without the too great prejudice of their king and master; it is therefore thought proper to leave this matter to the determination of the commissaries who shall be appointed to settle the new book of rates.

But his Catholick Majesty promises, that he will immediately take off all augmentations of duties in the said ports, which have been introduced there since the time of Charles II. on occasion of the war, or under the title of habilitations, or any other whatsoever, and that either the same rule shall be observed in those ports, which is agreed to in the ports of St. Mary's and Cadiz, or else at least that the same rule shall be observed, as well before as after the said new book of rates shall be made, which had obtained in each respective port in the time of king Charles II. so that hereafter no greater duties shall be exacted there, or in any other place of passage, than what were paid in the said places in the time of Charles II. In the same places shall be likewise observed, what has been above appointed in this article concerning the rights *de Alcaualos, Cientos, and Millones*.

As to the ports of Guipuscoa and Biscaya, and others, not subject to the laws of Castille, in which less duties were paid in the time of Charles II. than at Cadiz, or in the port of St. Mary's, his Catholick Majesty promises, that those duties shall not be augmented in the said places by the new book of rates, but shall, in the mean time, remain as they were in the time of Charles II. All wares, however brought into the ports of Biscaya and Guipuscoa, which shall afterwards be carried by land into the kingdoms of Castille or Arragon, shall be bound to pay such duties in the port where they first enter the said kingdoms, as were paid there in the time of Charles II. or else such as shall be established by the new book of rates.

IV. The Catholick King consents and promises, that for the future, it shall always be lawful for the subjects of Great Britain, living in the provinces of Biscaya and Guipuscoa, to hire houses or warehouses fit for the preservation of their merchandize, and his majesty will, by renewing his orders to that purpose, take effectual care that it shall be in their power to do this in the like manner, and with the same privileges, with which the said British subjects, by virtue of the aforesaid treaty of 1667, or of any diploma or ordinance, granted by their Catholick Majesties, did enjoy, or ought to have enjoyed, that liberty in *Andalusia*, or in any other ports and places of Spain whatsoever. The subjects of Spain shall enjoy the same liberty in any ports and places of Great Britain, with all the privileges belonging to them by the aforesaid treaty.

V. To prevent abuses in collecting the rights called *de Alcaualos & Cientos*, his Catholick Majesty consents, that the subjects of Great Britain, who shall bring their wares into any port of Spain, wet or dry, in order to sell them by wholesale, shall have their choice, whether they will pay the said rights *de Alcaualos & Cientos*, in the first place or port that they arrive at, or else according to the laws of Castille, at the place where, and at the time when they are sold; which said rights shall be the same as were paid in the time of king Charles II. And it is further agreed, that the subjects of Great Britain, may send or carry the wares, for which the said rights *de Alcaualos* have once been paid, into any port or place whatsoever, belonging to his Catholick Majesty's dominions in Europe, (in order to sell them there by wholesale without any molestation or repetition of the said duties, or exaction of any others for the first sale; provided however, that they who carry the said wares, shall bring receipts or certificates from the farmers, or commissioners of the custom-houses, from whence it may appear, that the said rights have been paid for those wares, and likewise other certificates, proving that the said wares have not yet been sold, but if any merchant sells his wares by retail, he shall be bound under such penalties as are inflicted by law, to pay all the local and municipal duties which are due and customary at the sale

sale of them, together with the rights *de Alcabalos & Cientos*, and all others whatsoever.

His Catholick Majesty farther consents, that if after the certificates abovementioned have been shewn, any officer, or gatherer of duties, shall exact the said rights again, or shall give any trouble, or stop the passage of the wares on that account, the officer guilty of the said fault, shall incur the penalty of 2000 ducats, payable to the use of his majesty's chamber, or of the general hospital at Madrid; the notaries of the custom-houses, or the contraband, shall not receive above 15 *Ryals Villon*, for dispatching the said certificates, unless it shall be otherwise agreed in settling the new book of rates.

VI. And as the subjects of their majesties are to enjoy on both sides an entire, secure, and unmolested use and liberty of navigation and commerce, as long as the peace and friendship, entered into by their majesties, and their crowns, shall continue, so likewise their majesties have provided, that the said subjects shall not be deprived of that security for any little difference which may possibly arise, but that they shall, on the contrary, enjoy all the benefits of peace, until war be declared between the two crowns.

And it is further agreed, that if it should happen, (which God prevent) that war should arise, and be declared between their majesties and their kingdoms, then according to the contents of the 36th article of the aforementioned treaty of 1667, after the declaration of such a rupture, the space of six months shall be allowed to the subjects of each party, residing in the dominions of the other, in which they shall be permitted to withdraw with their families, goods, merchandizes, effects, and ships, and to transport them, after having paid the due and accustomed imposts, either by sea or land, to whatsoever place they please, as they shall also be suffered to sell and alienate their moveable and immoveable goods, and freely, and without any disturbance, to carry away the price of them, nor shall their goods, wealth, merchandizes or effects, much less their persons, be in the mean time detained or molested, by any seizure or arrest. Moreover, the subjects of each side shall, in the mean time, enjoy and obtain quick and impartial

impartial justice, by means of which they may, before the expiration of the six months, recover the goods and effects which they have lent, either to the publick, or to private persons.

VII. And it is further agreed, that all the losses which the subjects of either crown shall duly prove, that they have sustained in the beginning of the late war, (contrary to the tenor of the 36th article of the abovementioned treaty) whether they consisted of moveable or immoveable goods, shall be reciprocally made good, without any delay to them, their lawful procurators, heirs, or those to whom their cause is intrusted, and restitution shall be made of those goods, whether lands, buildings, or inheritance, or of what sort soever they are, which remain and were confiscated, and the just and lawful price of those goods which cannot be recovered, whether moveable or immoveable, shall be paid; and their majesties have articulated and agreed, that the said payments, the pretensions to them being, as is aforesaid, fully proved, shall faithfully be performed, and made by their treasurers on each part.

VIII. It is agreed, and his Catholick Majesty will give effectual orders to that purpose, that the duties upon fish, and other provision, called *Millon*, shall not be demanded in the place where the said wares first arrive, but the said duties shall be paid according to the ancient custom established by law, only in the place of consumption, and when the wares are sold, and not before.

IX. His Catholick Majesty promises, that those merchandizes, which are not particularly mentioned in the catalogue of rates, which is to be made according to the third article of this treaty, shall be charged with the same duties in proportion to their value, and no greater than those which are laid upon merchandizes named in the said catalogue of rates. And if any difference arises between the farmers of the custom-houses, or commissaries, and any merchant; concerning the value of any wares, it shall be in the choice of the merchant to sell his wares to the farmer or commissary, at the price the farmer of the custom-house valued them (which price shall be immediately paid in ready money, the duties only deducted) or else to give part of his merchandizes at the rate set upon them, as
hath

hath been mentioned, to the farmer or commissary, instead of the duty, and retain the rest.

X. It is agreed, that in case the British subjects shall bring any wares from any part of the coasts of Africa, into Spain, and the same shall be admitted to pay the duties, those being duly paid, the said wares shall not afterwards be charged, either by the captains-general of the coasts, or commanders of the harbours, or any body else, with any other duties, under what name or title soever, excepting such as are payable in general, for all wares of the same sort, at the time of their sale.

XI. The masters of merchant-ships, who shall enter into any port of Spain with their ships, shall be obliged, within twenty-four hours after their arrival, to deliver two declarations, or inventories, of their wares, or of that part of them which they are to unlade there, viz. one declaration to the farmer of the custom-houses, or commissary, and another to the judge of the contraband; nor shall they open the hatches of their ships; till they either have searchers with them, or have leave given them by the farmer of the custom-houses to do it. No wares shall be unladen with any other view than that of being immediately carried to the custom-houses, according to a permission which shall be given in writing for that end. It shall not be lawful however for any of the judges of contraband, or other officers of the custom-houses, under any pretence whatsoever, to open any bags, chests, hogsheds, or other covers of any wares whatsoever, belonging to the subjects of Great Britain, while they are carrying to the custom-house, and before they are brought thither, and the proprietor of them, or his factor, is also come, who may discharge the duties, and take the goods into his own custody. But the said judges of contraband, or their deputies, may be present when the wares are taken out of the ships, and also when they are declared and laid open in the custom-house, and if there be suspicion of deceit, as that it is designed to lay open one merchandize instead of another, it shall be lawful for him to open all the bags, chests, and hogsheds, so this be done in the custom-house, and no other place, and in the presence of the merchant, or his factor, and not otherwise. But, when the goods have been exposed, and carried

carried away from the custom-house, and the chests, hogf-heads, or other covers containing them, have been marked with the sign or seal of the proper officer, no judge of the contraband, or other officer, shall presume to open them again, or to hinder them from being carried to the merchant's house. Neither shall it be lawful for them, under any pretence whatsoever, to hinder the said goods from being carried from one house or warehouse to another, within the walls or compass of the said city or place; provided that be done between the hours of eight in the morning, and five in the evening; and previous notice be given to the farmers of the rights *de Alcabalos & Cientos*; of the intent with which those goods are removed, to wit; whether it be that they should be sold, that in that case those duties, if not paid before, may be paid there, or at the place of sale; or, if they are not to be sold, then a certificate may be given, after the usual manner, to the merchant. Furthermore, it shall be lawful to carry wares from any port or place within the king of Spain's dominions, to any other port or place, either by sea or land, under such conditions as are expressed in the fifth article of this treaty.

XII. The duties upon merchandize brought into the Canary islands, exported from thence by British subjects, shall not be greater than those that were paid in the reign of the late king Charles II. or such as shall become payable by the new book of rates.

XIII. The subjects of each of their majesties, who are in debt to the subjects of the other, whether the debts were contracted before the beginning of the said war, or within the space of six months after it was begun, or (during the war, under the protection of letters of safe conduct) or lastly, after a truce was made between the two crowns, shall be bound and obliged faithfully to pay the same, in the same manner as if war had never arose between the two crowns, nor shall they be permitted to raise any exceptions against the just demands of their creditors, on pretence of the war.

XIV. His Catholick Majesty gives leave to the subjects of Great Britain to settle themselves, and dwell in the town called

called St. Ander, upon the terms that are expressed in the 39th article of the treaty of 1667.

XV. As to the judge conservator, and others to be substituted by him, if this privilege be granted to any other foreign nation whatsoever, the subjects of Great Britain shall likewise enjoy it. In the mean time however, and until some thing certain shall be determined in this matter, his Catholick Majesty will give express orders to all and every one of the judges of his kingdom, and to all others whomsoever, who are any ways concerned in the administration, or execution of justice, and shall enjoin the same under the strictest penalties, to do justice, and cause it to be executed, without any delay, partiality, favour, or affection, in all causes relating to the subjects of Great Britain.

The Catholick King consents, that appeals from sentences in causes concerning the British subjects, may be brought before the tribunal of the council of war at Madrid, and no where else.

XVI. If any minister, or other subject of her majesty of Great Britain, or of his Catholick Majesty, shall violate this treaty, or any article of it, he shall be responsible for all the damage occasioned by it; and if he be placed in any publick office, he shall, besides making satisfaction to the injured party, (as is aforesaid) be deprived of his office also.

XVII. The subjects of Great Britain having brought by sea from any other port in Spain, wine, brandy, oil, soap, dried grapes, or other merchandizes, and producing certificates, that the duties were paid at the place whence they set sail, shall be suffered to put the same into their ships lying at Cadiz, or there to remove them from one ship to another (with the consent of the inspectors of the maritime affairs, and in the presence of them, or their deputies, if they have a mind to be there, and at a seasonable time to be appointed by the said inspectors, within four and twenty hours, in order to prevent all frauds whatsoever) and to carry away from thence; with this liberty, that they shall not pay the duty called *Hondeaxe*, or any other of entrance, or going out.

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The present treaty shall be ratified by the most serene queen of Great Britain, and the most serene Catholick King, and the ratifications shall be exchanged at Utrecht, within two months, or sooner, if possible.

In witness whereof, we the underwritten ambassadors extraordinary, and plenipotentiaries of the queen of Great Britain, and the Catholick King, have signed and sealed this present instrument at Utrecht, the 28^{th} day of ^{November} December in the year of our Lord, 1713.

(L. S.) *Joh. Bristol.*

(L. S.) *Duc de Ossuna.*

(L. S.) *El Marque de Monteleon.*

WE having seen and considered the above-written treaty, have approved, ratified, and confirmed the same, as we do by these presents, for ourselves, our heirs and successors, approve, ratify, and confirm it, excepting only three articles thereof, viz. the third, fifth, and eighth, concluded at Utrecht, which are to be observed and understood in the manner and form following:

III. **W**HEREAS, by the late treaty of peace it is agreed and established as a basis and foundation, that the subjects of Great Britain, in what regards commerce, shall enjoy the same liberties and privileges which they enjoyed in the reign of king Charles II. in all parts of the king of Spain's dominions, which rule is what is also to serve for a basis and foundation of the present treaty of commerce, and is to be understood reciprocally in favour of the king of Spain's subjects trading in the dominions of Great Britain. And as nothing can contribute more to establish the commerce to a mutual benefit than a fixed, clear, and easy rule in paying the duties, especially on a moderate footing, and proportionable to the value of the merchandize, in order to prevent the frauds that otherwise would be practised, to the prejudice of the revenues of either crown, which has been often experienced in Spain, where the established duties by the ancient books of rates are excessive; in consideration whereof his Catholick Majesty, being desirous to avoid the like

like consequences, and to favour, augment, and facilitate, in all that depends upon him, the commerce, in as ample a manner, as her Britannick majesty desires, hath consented, on his part, to suppress and make void the different duties payable upon importation and exportation, contained in the ancient books of rates, as also those that have been imposed since, under any name or pretence whatsoever, and content himself with one only duty to be paid on importation of all goods and merchandize, after the rate of 10 per cent. of their value; and the like duty upon all goods and merchandize, which shall be exported out of his dominions, whether the valuation be made by weight, measure, piece, or ad valorem; and the same duty shall be collected in all the ports of entry in Spain, comprehending those of Arragon, Valencia, and Catalonia, excepting but of this general rule, Biscaya and Guipuscoa, whose duties of importation and exportation are to remain as they were in the time of Charles II. And that the said 10 per cent. being once paid, the farmers or officers of the custom-houses where those goods shall be entered, shall be obliged to mark the same with the proper seals and marks of their office, and also give the requisite dispatches; by virtue of which, the proprietors of the goods may freely transport them to all the other parts of Spain where they please, without being liable to pay any other duty, imposition, or charges, to the use or benefit of his Catholick Majesty, in any ports or parts of Spain whatsoever, in respect of transporting the said merchandize, over and above what they have paid, in pursuance of this new arancel, provided the receipts and marks are produced; in default of which, they shall be esteemed to be fraudulently transported. But it is to be understood, that this is not to extend to the Alcavalas, Cientos, and Millones, in relation to which, provision is made in the fifth and eighth articles of this treaty.

And forasmuch as the ambassador of England hath represented, that to avoid all differences and disputes for the future, it is absolutely necessary to establish a certain valuation, or rate of the several sorts of merchandize, by which the said duty of 10 per cent. shall always be paid, and not altered, either by means of the augmentation or diminu-

tion of the price of the said merchandize, which may hereafter happen in the commerce, in any time, or in any part of the kingdom ; it is agreed by their Catholick and Britannick majesties, by their ambassadors, that in the term of three months, from the ratification of this treaty, or sooner, if possible, commissaries named and authorised by both their majesties in due form, shall meet at Madrid, or in Cadiz, who, without loss of time, shall proceed to the forming a new book of rates, in such a manner, as to fix and limit what shall be paid for the future, on all sorts of merchandize, as well upon importation as exportation ; and so as that all the different duties which were payable, either before or in the time of Charles II. or since, under whatsoever name or pretence, or collected in different custom-houses or offices, shall be comprehended in this only duty ; payable in one sum, whether upon importation or exportation, in all the ports of Spain, and shall extend to the kingdoms of Arragon, Valencia, and principality of Catalonia, and their dependencies, excepting only the provinces of Guipuscoa and Biscaya, of which mention has been already made. And whereas great instances have been made by the ambassador of Great Britain, that directions be given to the said commissaries, that they take care, and above all, do observe, as a fixed rule, that this duty be laid equally and generally in all the ports and custom-houses of Spain, upon the importation and exportation of all goods and merchandize, after the rate of 10 per cent. of the value which such goods and merchandize bear in the course of trade, between the merchants of Cadiz and port St. Mary's ; to which the ambassadors of Spain have consented ; always provided, that the goods and commodities which shall be imported into the kingdom of Spain, by the ports of Biscaya and Guipuscoa, and afterwards transported into the other provinces depending on the kingdoms of Castille and Arragon, shall be obliged to pay at the first custom-house of entry into the said kingdoms, the duties which shall be established in this new book of rates.

V. To prevent the abuses that may be committed in collecting the duties called *Alcavalas & Cientos*, his Catholick majesty consents, that the subjects of her Britannick majesty shall not be obliged to pay these duties, during
such

such time as they think fit to let their merchandize remain in the magazines of the custom-houses appointed for that purpose ; but when they shall think fit to take out the said goods, either to be transported farther into the country, sell them in the same place, or carry them to their own houses, it shall be permitted them so to do, upon giving his bond, with sufficient security, to pay the said duties of *Alcavalas & Cientos*, for the first sale, in two months after the date of his bond, upon which he shall have receipts given him for the said duties, and the goods shall be marked with the proper mark and seal of the farmers of the said *Alcavalas and Cientos*, where such bond and security shall be given for the first sale, after which the said merchandize may be transported, and sold by wholesale, in any port or place belonging to the king of Spain in Europe ; and that no obstruction or hindrance shall be made upon account of the said duties, nor the proprietor liable to pay a second time in respect of the first sale, provided those who carry the said merchandizes produce the receipts and marks of the farmer, or proper officer, concerned in the collection of these duties, or making sufficient proof of their not being sold before. But if, on the contrary, any merchant do sell his goods by retail, he shall be obliged to pay the said duties of *Alcavalas and Cientos* a second time, under the pains established by the laws. And his Catholick Majesty declares, that if any officer of the *Alcavalas and Cientos* shall exact a second time the said duties on the same merchandize, when the said receipts and marks have been produced, or should obstruct their passage, or transportation, or occasion the least impediment, such officer shall be fined 2000 crowns, to the benefit of his majesty's revenues. And the officers of the custom-houses shall not demand, or take, for making such receipts or certificates, more than 15 reals vellon, unless it be otherwise settled in the new book of rates.

VIII. His Catholick Majesty consents, that the duties commonly called *Millones*, which are payable upon fish, and other sorts of domestick provisions, shall not be demanded in the first ports or custom-houses of entry in Spain, during such time as the proprietors will let them remain in the warehouses appointed for that purpose. But in

case the owner shall desire to take them out, either to send into the country, sell them on the place, or carry them to their own houses, they are then to give bond, with good security, to pay the said duty of *Millones* in two months after date of the said bond, upon which the necessary dispatches are to be given them. And the said merchandize shall be marked with the seals or marks of the farmers of the *Millones* where the said duties were secured, after which the said goods may be transported to, and sold in the places where they are to be consumed, without paying any new duties of *Millones*. His majesty also declares, that if after the receipts are produced, any officer belonging to the farmers of the *Millones*, should exact a second time the same duties on the same goods, or should oppose their passage, transport or sale, or occasion the least impediment, the said officer shall be fined 2000 crowns, for the benefit of his majesty's revenue.

THEREFORE, by virtue of these presents, we do approve and ratify the treaty above written, as likewise the three articles, viz. the third, fifth, and eighth, as they are set forth in this instrument of ratification, and are to be taken as part of the said treaty, and to have the same force and effect, as if they had been inserted therein: promising and engaging our royal word, that we will faithfully and religiously perform and observe, all and singular the things agreed upon in this treaty, and that we will not suffer the same to be violated by any one, as far as lies in our power. For the greater testimony and validity whereof, we have caused our great seal to be affixed to these presents, which we signed with our royal hand. Given at our castle of Windsor, the 7th day of February, 17¹¹/₁₄, in the twelfth year of our reign.

ANNE, by the grace of God, queen of Great Britain, France, and Ireland, defender of the faith, &c. To all and singular to whom these presents shall come, greeting. Whereas, the right reverend father in God, our right, trusty, and well-beloved counsellor, John, bishop of Bristol, our ambassador extraordinary and plenipotentiary,

tiary, dean of Windsor, and register of our most noble order of the garter, did on our part, together with the plenipotentiaries of the most serene Catholick King, conclude and sign at Utrecht, on the 2^{d} day of ^{November}_{December} 1713, a treaty of commerce, between the crowns of Great Britain and Spain; and, at the same time, a separate article was concluded, made between the said plenipotentiaries, who were severally furnished with sufficient authorities, and is as follows:

SEPARATE ARTICLE.

BY the present separate article, which shall be altogether of the same validity and force, as if it was inserted word for word in the treaty of commerce this day concluded, between their royal majesties of Great Britain and Spain, and shall for that end be ratified, as well as the said treaty; his Catholick Majesty consents, that it shall at all times hereafter be lawful for the British subjects, who shall live in the Canary islands, for the sake of their trade, to nominate some one person, being a subject of Spain, who shall execute the office of judge conservator there, and shall at the first instance take cognizance of all causes relating to the commerce of the British subjects; and his royal majesty promises, that he will grant commissions to such judge conservator so named, together with the same authority, and all the privileges which the judges conservators have formerly enjoyed in Andalusia. And, if the British subjects shall desire to have more judges of that sort there, or to change those that are appointed every three years, it shall be allowed and granted them. His Catholick Majesty consents likewise, that appeals from the sentences of the said judge conservator, shall be brought before the tribunal at the council of war at Madrid, and no where else.

In witness whereof, we the underwritten ambassadors extraordinary, and plenipotentiaries of her sacred majesty of Great Britain, and of his sacred Catholick Majesty,

jesty, have signed and sealed these presents at Utrecht,
the $\frac{22}{5}$ day of ^{November}_{December} in the year of our Lord 1713.

(L. S.) *Joh. Bristol.*

(L. S.) *Duc de Ossana.*

(L. S.) *El Marque de Monteleon.*

WE having seen and considered this separate article, have approved, ratified, and confirmed, as we do by these presents approve, ratify, and confirm the same, promising and engaging our royal word, that we will faithfully and inviolably keep all and singular the things therein contained, and that we will not suffer any thing to be done contrary thereunto. For the greater testimony and validity whereof, we have signed this instrument with our royal hand, and caused our great seal of Great Britain to be affixed thereunto. Given at our castle of Windsor the seventh day of February, 17 $\frac{13}{14}$, in the twelfth year of our reign.

ANNE R.

Convention made at London, July 26, O. S. 1715, relating to the duties laid on British woollen cloths exported to the Austrian Netherlands.

HIS Britannick majesty's ministers having complained that the commerce of his said Britannick majesty, with the Austrian Netherlands, is very much prejudiced, by the high duties of importation laid upon the coarse woollen cloths sent from Great Britain to the said Austrian Netherlands: the underwritten minister and plenipotentiary of his Imperial and Catholick Majesty, for the treaty of barrier at Antwerp, declares by these presents, that his Imperial and Catholick Majesty will consent to the immediate reducing of the duties on the said coarse woollen cloths. according to the following specification; and that, in all other respects, the commerce of the subjects of his Britannick majesty with the Austrian Netherlands, shall remain, continue, and subsist wholly on the same foot as it does at present, without any alteration, innovation, diminution, or augmentation to be made, under any pretext what-

whatsoever, till all the parties interested shall agree upon a treaty of commerce.

| Dyed woollen cloths. | | Fl. Sols. |
|---|---|-----------|
| A piece of the value of above 60 florins, up to 90 | 3 | 10 |
| A piece of the value of above 40 florins, up to 60. | 2 | 0 |
| A piece of the value of 40 florins, and under. | 1 | 0 |
| Mixed woollen cloths. | | |
| A piece of the value of above 60 florins, up to 90. | 2 | 10 |
| A piece of the value of above 40 florins, up to 60. | 1 | 10 |
| A piece of the value of 40 florins, and under. | 1 | 0 |
| White woollen cloths. | | |
| A piece of the value of above 60 florins, up to 90. | 2 | 10 |
| A piece of the value of above 40 florins, up to 60. | 2 | 0 |
| A piece of the value of 40 florins, and under. | 1 | 0 |
| Draps de pie (cloth to lie upon floors) of all sorts, } the piece. | 0 | 8 |

Done at London this 26th of July, O. S. 1715.

(L. S.) J. L. de KINGSEGG.

Requisition made to the council of state at Brussels, the 6th of November, 1715.

IT being absolutely necessary for the service of his Imperial and Catholick Majesty, to lessen immediately the duties of importation on coarse woollen cloths coming from Great Britain, and from the United Provinces, on the following foot.

| Woollen cloths dyed. | | Fl. Sols. |
|---|---|-----------|
| A piece of the value above 60 florins, up to 90 florins. | 3 | 10 |
| From 40 to 60. | 2 | 0 |
| Of 40 and under. | 1 | 0 |
| Mixed. | | |
| A piece of the value of 60 florins, and so up to 90. | 2 | 10 |
| From 40 to 60. | 1 | 10 |
| Of 40 and under. | 1 | 10 |
| White. | | |
| A piece of the value of 60 florins, and so up to 90. | 2 | 10 |
| From 40 to 60. | 2 | 0 |
| Of 40 and under. | 1 | 0 |
| Draps de pie (cloth to lie upon floors) of all sorts, } the piece. | 0 | 8 |

R 4

And

And to reduce the duties of importation on brandies distilled from corn coming from Great Britain, and from the United Provinces, to three florins the awm, instead of eight which is now paid; you are required, gentlemen, to give forthwith the necessary directions in the finances, that the proper orders may be immediately issued for this purpose, and that the collectors of the duties of importation and exportation, may conform themselves accordingly thereto. Done at the conference at Brussels, this 6th of November, 1715.

Signed,

William Cadogan.

John Vander Bergh,

P. W. Francquen.

Attested to be a copy.

A copy of the resolution of the council of state, minuted in the margin of the consultation of the council of the finances, the 7th of November, 1715.

HAVING made our representation to the ministers of the conference, conformably to this consultation, and added also other reasons to enforce it, they have newly made this day another more pressing requisition to us, by which they insist absolutely that the former be put in execution; whereupon the council of the finances shall issue the orders therein specified; but it is understood that they shall not have force nor effect, unless they be approved and ratified by his Imperial and Catholick Majesty, in the treaty of barrier. This last clause however, which begins with the words, *it is understood*, and ends with the words, *in the treaty of barrier*, shall not be inserted in the orders to be sent to the collectors. Signed Voorss.

Attested to be a copy.

P. W. Francquen.

Order of the council of finances to the collectors of the duties.

THE counsellors and commissioners of the demesnes and finances of his Imperial and Catholick Majesty. Most dear and special friends, we herewith send you by express order of the council of state appointed for the general

neral government of these countries, a copy of the requisition made to them by the ministers of the conference, relating to the lessening of the duties of importation on the coarse woollen cloths coming from Great Britain, and from the United Provinces; as also for reducing the said duties on brandies distilled from corn: commanding you by express order of the said council of state, to take care to regulate yourselves pursuant thereto, in collecting the said duties, and to give notice of it to your subalterns. Most dear and special friends, God have you in his holy keeping. Brussels, at the council of the said finances, the 12th of November, 1715.

To the collectors of the duties of importation and exportation at

Newport,

Ostend,

Bruges,

Ghent,

Dendermonde,

Fort St. Philip,

Borgerhoute,

Mechlen,

Turnhout,

Tirlemont.

This is a copy agreeing with the minutes kept in the registry of the finances.

P. W. Francquen,

Extract from the Tariff, settled the 14th of November, 1715.

N. B. A difficulty having risen about the intention of the requisition of the 6th of November, 1715, of which mention is made in the 26th article of the treaty of barrier, it is agreed provisionally to cause the duties of importation on all the different sorts comprehended in the above Tariff, under the denomination of woollen cloths, to be collected according to the tenor of the said requisition of the 6th of November, till his Imperial and Catholick Majesty, and his majesty the king of Great Britain, shall agree upon it otherwise; and, in the mean while, the king's collectors and officers shall permit the said manufactures to be imported, giving notice, and taking security for the payment of the overplus duties of importation, on the foot the same shall be settled,

A letter from the Imperial Envoy, Count Volkra, to the Lord Viscount Townshend, principal secretary of state.

My LORD,

YOU have acquainted me, that complaints are made of contraventions to the 26th article of the treaty of barrier; and I have had the honour to communicate to you, what count Kinigslegg has answered thereupon.

I can declare to you besides, that, for the future, there will be an exact performance of the said 26th article of the treaty of barrier of the 15th of November, 1715, and of the convention at London, of the 26th of July, 1715; as also of the declaration in the Tariff of the 14th of November, 1715, that is to say, that the duties on the Petite Draperie, (or woollen stuffs) of England, will be collected on the foot of the coarse woollen cloths, according to the diminution expressed in the foresaid convention at London, without any alteration, till it be agreed otherwise between the Emperor and the King, our masters; but, in the mean time, the merchants are to give security to pay the surplus, if the matter shall be so determined between the two respective courts. I am, &c.

London, $\frac{20}{11}$ August, 1716.

The Count Volkra

Treaty between Charles VI. Emperor of the Romans, and Catholick King of Spain, on the one Part, and George, King of Great Britain, and the Lords the States General of the United Provinces of the Netherlands, on the other Part; for the entire Restitution of the Spanish Netherlands, to his Imperial and Catholick Majesty; with the Reserve of a strong and solid barrier to the said Netherlands, in favour of their High Mightinesses; as also of the yearly Payment of several great Sums, as well for the maintenance of the said barrier, as for the reimbursement of those which were due to them before. Made at Antwerp the 15th of November, 1715; together with a separate Article relating to Mortgages of the same Date, and forms of the Oaths to be taken by the governors of places, full powers and Ratifications,

FOrasmuch as it pleased the Almighty to restore peace some time ago to Europe, and as nothing is more desirable

fixable and necessary, than as far as possible to re-establish and secure the common and publick safety and tranquility; and whereas the lords the States General of the United Provinces, have engaged to remit the Netherlands to his Imperial and Catholick Majesty Charles VI. as it was stipulated and agreed by the treaty made at the Hague the 7th of September, 1701, between his Imperial Majesty Leopold, of glorious memory, his Britannick majesty William III. also of glorious memory, and the said States General, that the said potentates should agree upon what related to their reciprocal interests; particularly with respect to the manner of establishing the security of the Netherlands, to serve as a barrier to Great Britain and the United Provinces, and with respect to the commerce of the inhabitants of Great Britain, and the United Provinces. And whereas at present, his Imperial and Catholick Majesty, Charles VI. to whom the said Netherlands shall be remitted by this treaty, his Britannick majesty king, George, both at this time reigning, and the lawful heirs and successors of the said Emperor and King, and the States General of the United Provinces, acting therein by the same principles of friendship, and with the same intention, to procure and establish the said mutual security, and the more to confirm a strict union, have for that end named, commissioned, and appointed for their ministers plenipotentiaries, viz. his Imperial and Catholick Majesty, the Sieur Joseph Lotharius count de Konigsegg, his chamberlain, counsellor of war, and lieutenant general of his armies: his Britannick majesty, William Cadogan, Esq; his envoy extraordinary to their High Mightinesses the States General of the United Provinces, member of the parliament of Great Britain, master of the wardrobe, lieutenant general of his armies, and colonel of the second regiment of his guards: and the States General, Messieurs Bruno Vander Dussen, late burgomaster, senator and counsellor, pensionary of the city of Gouda, assessor in the councils of Hemfrades de Schieland, Dykegrave of Crimpenerwaerde; Adolphus Henry, count de Rechteren, lord of Almelo and Vriesveen, &c. president of the lords the states of the province of Overijssel, and Droffart of the quarter of Zealand; Scato de Gockinga, senator of the city of Groningen,

ingen, and Adrian de Borsselle, lord of Geldermalsen &c. senator of the city of Flushing; the three first deputies of the assembly of the lords the States General, on the part of the provinces of Holland and West Friesland, Overijssel, Groningen and Omlands, and the fourth, deputy of the council of state of the United Provinces. Who being assembled in the city of Antwerp, which by common consent had been named for the place of congress, and having exchanged their full powers, copies whereof are inserted at the end of this treaty, after many conferences, have agreed for, and in the name of his Imperial and Catholick Majesty, his Britannick Majesty, and the Lords the States General, in the manner as follows:

I. The States General of the United Provinces, immediately after the exchange of the ratifications of the present treaty, shall, by virtue of the grand alliance in 1701, and of the engagements they have entered into since, remit to his Imperial and Catholick Majesty all the provinces and towns of the Netherlands, with their dependencies, as well those which were possessed by the late king of Spain, Charles II. of glorious memory, as those which were lately given up by his late majesty the most Christian King, also of glorious memory; which provinces and towns together, as well those that are remitted by this present treaty, as those which were remitted before, shall hereafter be and compose in whole or in part, but one undividable, unalienable, and unchangeable domain, which shall be inseparable from the estates of the house of Austria in Germany, to be enjoyed by his Imperial and Catholick Majesty, his heirs and successors, in full and irrevokable sovereignty and propriety; that is to say, with respect to the former, as they were enjoyed, or ought to have been enjoyed, by the late king Charles II. of glorious memory, pursuant to the treaty of Ryswick; and with respect to the latter, in the same manner, and upon the same conditions as they were surrendered up, and remitted to the lords the States General, by the late most Christian King, of glorious memory, in favour of the most august house of Austria, and without any other charges, mortgages or engagements, which may have been constituted on the part of the States General, and to their profit.

II. His

II. His Imperial and Catholick Majesty promises and engages, that no province, city, place, fortress or territory of the said Netherlands, shall be surrendered, transferred, granted, or descend to the crown of France, nor to any prince or princess of the house and line of France, nor to any other who shall not be the successor, heir and possessor of the dominions of the house of Austria in Germany, either by donation, sale, exchange, marriage-contract, inheritance, testamentary succession, or *ab intestato*, or upon any other title or pretext whatsoever. So that not any province, city, place, fortress or territory of the said Netherlands, shall ever be subject to any other prince, than the successors of the said house of Austria; only excepting what was formerly yielded to the king of Prussia, and what shall be given up by the present treaty to the said lords the States General.

III. Whereas the safety of the Austrian Netherlands will chiefly depend upon the number of troops that may be kept in the said Netherlands, and places that are to form the barrier which has been promised to the lords the States General by the grand alliance, his Imperial and Catholick Majesty, and their High Mightinesses, have agreed constantly to maintain therein, at their own expence, a body of from 30 to 35000, whereof his Imperial and Catholick Majesty shall provide three fifths, and the States General two fifths. Provided always, that if his Imperial and Catholick Majesty shall diminish his quota, it shall be in the power of the said States General, to lessen theirs in proportion: and when there is any appearance of war or attack, the said body shall be augmented to 40,000 men, according to the same proportion; and, in case of actual war, a farther force shall be agreed upon, according as shall be found necessary. The repartition of the said troops in time of peace, for as much as concerns the places committed to the guard of the troops of their High Mightinesses, shall be made by them only, and the repartition of the rest by the governor of the Netherlands, by imparting reciprocally to each other, the dispositions they shall have made.

IV. His Imperial and Catholick Majesty grants to the States General, a privative or separate garrison of their own troops,

troops, in the towns and castles of Namur and Tournay, and in the towns of Menin, Furnes, Warneton, Ypres, and Fort Knoque; and the States General engage themselves, not to employ any troops in the said places, which although in their own pay, belong to any prince or nation that may be at war with, or suspected to be in engagements contrary to the interests of his Imperial and Catholick Majesty.

V. It is agreed, that in the town of Dendermonde there shall be a common garrison, which shall be composed, for the present, of one batallion of Imperial troops, and one batallion of the troops of the States General; and that if hereafter it should be necessary to augment the said garrison, such augmentations shall be made equally by the troops of both parties, and by mutual concert. The governor shall be put in by his Imperial and Catholick Majesty, and, together with the subaltern officers, shall take an oath to the States General, never to do, or suffer any thing to be done in the said town, which may be prejudicial to their service, with respect to the preservation of the town and garrison: and he shall be obliged, by the said oath, to grant free passage to their troops always, and as often as they shall desire; provided it be demanded beforehand, and that it be for a moderate number at a time.

VI. His Imperial and Catholick Majesty consents also, that in the places hereby granted to the States General, to hold their separate garrisons in, they may place such governors, commanders, and other officers that compose the state major as they shall think fit, on condition that they shall be no charge to his Imperial and Catholick Majesty, nor to the provinces and towns, unless it be for convenient lodging, and the emoluments accruing from the fortifications, and that they be not persons who may be disagreeable or suspected to his majesty, for particular reasons that may be given.

VII. Which governors, commanders and officers, shall be entirely and separately dependent on, and subject to the sole orders and jurisdiction of the States General, for all that concerns the defence, guard, security, and all other military affairs of their places. But the said governors, as well as their subalterns, shall be obliged to take an oath to his

his Imperial and Catholick Majesty, to keep the said places true to the sovereignty of the house of Austria, and not to intermeddle in any other affairs, according to the form that is agreed upon and inserted at the end of this treaty.

VIII. The generals shall give to one another reciprocally, as well in the towns where his Imperial and Catholick Majesty has a garrison, as in those intrusted to the guard of the troops of their High Mightinesses the States General, the honours usually paid according to their character, and the nature of their service; and in case the governor-general of the Netherlands come into places committed to the guard of their High Mightinesses, the same honours shall be paid to him which he usually receives in the places garrisoned by the troops of his Imperial and Catholick Majesty; and he shall even give the word there: but all this without prejudice to the sixth article. And the governors, or in their absence the commanders, shall give notice to the said governor-general of the dispositions by them made for the security and guard of the places committed to their care; and they shall have a due regard for the changes which the said governor-general shall judge proper to make.

IX. His Imperial Catholick Majesty grants to the troops of the States General, wherever they are in garrison, the free exercise of their religion, so as to be in particular places convenient and proportionable to the number of the garrison, which the magistrates shall assign and maintain in every town and place where there has been none assigned already, and to which places no external mark of a church shall be given: and it shall be strictly enjoined by both parties, to the civil and military officers, as also to ecclesiastics, and all others concerned, to hinder all occasion of scandal and controversies that may arise upon the subject of religion; and when any dispute or difficulty shall happen, both parties shall amicably accommodate it. And as for religion, with regard to the inhabitants of the Austrian Netherlands, all things shall continue and remain on the same foot they were during the reign of Charles II. of glorious memory.

X. All

X. All the ammunition, artillery, and arms of the States General, as also materials for the fortifications, corn in time of scarcity, provisions to put into the magazines, when there is an appearance of war ; and moreover, the cloth and furniture for clothing the soldiers, which shall be certified to be designed for that use, shall pass freely, and without paying any customs or tolls, by virtue of passports which shall be demanded and granted, upon the specification signed ; on condition nevertheless, that at the first custom-house of his Imperial and Catholick Majesty, where the said provisions, materials, arms and mountings shall enter, and at the place where they are to be unladen, the boats and other carriages may be duly visited, to hinder the mixture of other merchandize therewith, and to prevent fraud and abuse ; against which it shall be always lawful to take such precautions, as length of time and experience shall shew to be necessary : and the governors and their subalterns shall not be permitted in any manner whatsoever, to hinder the effect of this article.

XI. The States General may change their garrisons, and the disposition of the troops in the towns and places committed to their particular guard, according as they shall judge proper, and no body shall on any pretence whatsoever, hinder or stop the passage of the troops, which they shall from time to time send thither, or draw from thence. And the said troops may even, in case it be required, pass thro' all the towns of Brabant and Flanders, and thro' all the open country, and make bridges as well over the canal betwixt Bruges and Ghent, as over all other canals and rivers which they shall find in their road ; on condition nevertheless, that they shall be the troops of a prince or nation not in war with his Imperial and Catholick Majesty, nor suspected to be in any engagement or league contrary to his interests, as is said above in the fourth article, and that notice shall be given of it beforehand, and request made to the governor-general of the Netherlands, with whom the routes and other affairs shall be regulated, by some person who shall have their High Mightinesses commission. The regulation made by the States General for the passage of the troops, shall be observed here, as it is observed in their own country : and the States General

General shall observe to make the said change of garri-
sons, as well as the dispositions necessary to it, with as
little charge and inconveniency as possible, to the inhabi-
tants.

XII. For as much as the common safety demands in
time of war, or in imminent danger of war, that the States
General should send their troops to places that are most ex-
posed to the danger of being attacked or surprized, it is
agreed between his Imperial and Catholick Majesty, and
the States General, that their troops shall be received into
the said places, as far as shall be necessary for their de-
fence, when it shall be evidently the case; always provided,
that this be done by agreement and concert with the gover-
nor-general of the Netherlands.

XIII. The States General may, at their own cost and
expence, cause the said towns and places to be fortified,
either by new works, or by causing the old to be repair-
ed, and maintain them, and generally provide all that they
shall find necessary for the security and defence of the said
towns and places; excepting that they shall not cause new
fortifications to be built, without giving notice of it before-
hand, to the governor-general of the Netherlands, and
having his opinion and advice thereupon, nor bring the
charges thereof to the account of his Imperial and Ca-
tholick Majesty, or the country, without his said majesty's
consent.

XIV. For the security of the communication between
the United Provinces, and the places of the barrier, his Im-
perial and Catholick Majesty shall take care so to order it,
that the letters and messengers, as well ordinary as extra-
ordinary, may pass freely to and from the towns and pla-
ces of the barrier, and those of other countries; on condi-
tion that the said messengers carry no letters or packets for
merchants, or other private persons, which as well for the
places of the barrier, as for all other countries, shall be
put in at the post-offices of his Imperial and Catholick
Majesty.

XV. As for the artillery, magazines and military pro-
visions which their High Mightinesses have in the towns
and places which they remit to his Imperial and Catho-
lick Majesty, they shall be allowed to carry them out with-

out any hindrance, and without paying any customs or tolls, as well those which they brought thither themselves, as the artillery marked with their arms, and lost in the late war, or otherwise belonging to them, and found in the said places when taken; unless his Imperial and Catholick Majesty desire to take the said artillery and ammunition upon his own account, and agree with their High Mightinesses for the price, before the places are surrendered. And as for the artillery and ammunition at this time in the places committed to the guard of the troops of the States General, they shall be left to their keeping and direction, according to the inventories that shall be drawn up and signed on both sides, before the exchange of the ratifications of the present treaty; but they shall not be transported elsewhere without common consent, and the property shall remain to his Imperial and Catholick Majesty, for as much as they are found in the said places at the time of their cession or surrender.

XVI. In case the provinces of the Austrian Netherlands be attacked, and it happen (which God forbid) that the enemy's forces should enter Brabant, to act there, and lay siege to any place in the said province, or any of those that form the barrier, their High Mightinesses shall be permitted to cause their troops to enter and take post in the towns and places on the Demer, from the Schelde to the Maese, as also to make retrenchments, lines and inundations there, as much as the circumstances of the war shall require, to hinder the farther progress of the enemy; provided the whole be done in concert with the governor-general of the Netherlands.

XVII. As it appears by the experience of the last war, that for securing the frontiers of the States General in Flanders, it was necessary to leave so many considerable bodies of troops there, that the army was thereby very much weakened: to prevent this inconvenience, and the better to secure the said frontiers for the future, his Imperial and Catholick Majesty yields to the States General such forts, and as much of the territory of the Austrian Flanders bordering upon the said frontiers, as they shall want to make the necessary inundations, and for covering them from the Schelde to the sea, in places where they are not already
suf-

sufficiently secured, and where they cannot be secured by making inundations upon those lands only that already belong to the States General.

For this purpose his Imperial and Catholick Majesty agrees and approves, that the limits of the States General in Flanders shall hereafter begin at the sea between Blankenberg and Heyft, at the place where there are no downs; provided they do not cause or permit any villages or houses to be built near that post, nor suffer fishermen to settle there, nor make any sluices to the sea there.

And their High Mightinesses promise moreover, that if they think fit to cause any fortifications to be built at the head of their new limits, they will take care not to weaken the dyke; and they will not only defray the extraordinary expences that may be incurred on account of the said fortifications, but will also indemnify the inhabitants of the Austrian Netherlands from all losses they may sustain, in case the sea comes to make inundations through the said fortifications.

There shall be drawn from the post abovenamed, a direct line to Grootewege, from whence the line shall be continued towards Heyft, and from Heyft it shall go to the Drie-hoeck and Swarte-sluice, from thence to fort St. Donas, which his Imperial and Catholick Majesty yields in full propriety and sovereignty to their High Mightinesses, (provided the gates of the sluices of the said fort be left open in time of peace;) and in like manner he gives up the land situate on the north side of the above-mentioned line.

From fort St. Donas, the new limits of the States General shall extend to fort St. Job, from whence they shall fall in with the old ones near the town of Middleburg; which limits shall be continued along the Zydelings Dyke, as far as the place where the Eckelose Watercourse and the Water-loop meet at a sluice.

After this the limits shall run from the Graaf-Jaans Dyke to the village of Bouchout, (the proprietors of whose sluices are permitted to place them where they were before) and from Bouchout the line shall be continued strait forward to the antient limits of the States General.

His Imperial and Catholick Majesty gives up also, in full and entire sovereignty to the States General, the territory situate on the north side of the line.

And in regard it is necessary for their entire security, that the inundation be continued from Bouchout, as far as the canal of Sas van Ghent, along the Graaf-Jaans Dyke, their High Mightinesses shall be permitted, in time of war, to take possession of, and fortify all the sluices that they shall find in the Graaf-Jaans Dyke, and the Zydelings Dyke.

As for the town of Sas van Ghent, the limits shall be extended to the distance of two thousand geometrical paces; provided that no villages be included in that space.

And for the preservation of the lower Schelde, and the communication between Brabant and Dutch Flanders, his Imperial and Catholick Majesty gives up to the States General, the full and entire property and sovereignty of the village and Polder of Doel, together with the Polders of St. Anne and Ketenisse.

And whereas, in time of war it will be necessary, for the better security, to make inundations through the sluices, between the forts of the Meer and the Perle, his Imperial and Catholick Majesty shall, as soon as the barrier is attacked, or a war begun, remit the guard of the Perle fort, and the sluices, to their High Mightinesses; provided that as soon as the war is over, their High Mightinesses shall restore the said sluices and fort to his Imperial and Catholick Majesty, together with those which they shall, in that time, have taken possession of on the Graaf-Jaans dyke, and Zydelings dyke. The States General shall not make any inundation in time of peace, and when they find themselves obliged to make any in time of war, they shall give previous notice of it to the governor-general of the Netherlands, and concert the affair with the generals that command the armies in the Netherlands: promising moreover, that if upon occasion of the giving up to them some sluices (whereof the inhabitants of the Austrian Flanders shall retain the free use in time of peace) they should happen to suffer any damage or prejudice, either from the
com-

commanders, or other military officers, the States General shall not only remedy it immediately, but shall also give satisfaction to those concerned.

And because by this new situation of the limits, it will be necessary to alter the toll-houses, for preventing frauds, which is a case wherein his Imperial and Catholick Majesty, and their High Mightinesses, are equally concerned, the places shall be agreed on for establishing the said offices, and for such farther precautions as it shall be thought convenient to take.

It is moreover stipulated by this article, that a just valuation shall be made before the ratification of the present treaty of the revenues arising to the sovereign, from the lands which shall be yielded to their High Mightinesses by this article, as also of what profit accrued to the sovereign, by the renewing of grants on the foot that they were agreed to for thirty years last past, to be deducted and set off from the annual subsidy of 500,000 crowns.

And the Roman-catholick religion shall be preserved and maintained in the places given up as above, on the same footing as it is now, and was exercised in the reign of king Charles II. of glorious memory; and all the privileges of the inhabitants shall be preserved and maintained in like manner.

The fort of Rodenhuyfen shall be razed, and the differences touching the canal of Bruges shall be referred to the decision of neutral arbitrators chose by both parties; provided, that by the giving up of the fort of St. Donas, the people of the town of Sluys shall not have more right upon that canal, than they had before that place was yielded up.

XVIII. His Imperial and Catholick Majesty yields to their High Mightinesses the States-General for ever, in full sovereignty and propriety, the town of Venlo in the upper quarter of Guelderland, with its precinct and jurisdiction, and the fort of St. Michael, and moreover the fort of Stevenswaert, with its territory or jurisdiction; as also as much land as shall be necessary to augment their fortifications on this side the Mæse: And his said majesty promises, that he will never cause to be built, or permit any other to build any fortification, of what name soever, with-

in the distance of half a league from the said fortress. Moreover, his Imperial and Catholick Majesty gives up to the States General, the ammanie of Montfort, consisting (with exception to the villages of Swalmt and Elmt, which he reserves to himself) of the little towns of Nieustadt and Echt, with the following villages, viz. Ohe and Lack, Róosteren, Braght, Béesel, Belsen, Vlodorp, Postert, Berg, Lin, and Montfort, to be possessed by the said States General, in the manner as they were enjoyed by his majesty king Charles II. of glorious memory, with the perfectures, burghs, fiefs, lands, funds, quit-rents, revenues, tolls, of what nature soever, subsidies, contributions and collections, sealies, demesnes, and others whatsoever, belonging to the said places given up as aforesaid. The whole however, without prejudice to, and saving all the rights which may belong to the king of Prussia, &c. and notwithstanding all exceptions, pretensions, or cavils already made, or that may hereafter be formed to disturb the States General in the peaceable possession of the places yielded up by the present article; all compacts, conventions, or dispositions, contrary to the present article, being deemed null and void.

Provided, and be it understood, that this surrender is made with this express clause, that the statutes, antient customs; and in general, all privileges civil and ecclesiastical, as well with regard to the magistrates and private persons, as to the churches, convents, monasteries, schools, seminaries, hospitals, and other publick places, with all their appurtenancies and dependencies, as also the diocesan right of bishop of the Ruremonde, and in general every thing that concerns the rights, liberties, immunities, functions, usages, ceremonies, and the exercise of the catholick religion, shall be preserved and subsist without any charge or innovation; either directly or indirectly, in all the places yielded as above, in the same manner as in the time of king Charles II. of glorious memory, and as it shall be explained on both sides more fully, in case any dispute happens on that account; and the offices of the magistracy and the police, shall be given to none but persons of the Catholick Religion.

The

The right of collation to benefices, which has been hitherto in the sovereign, shall hereafter belong to the bishop of Ruremonde; on condition that the said benefices shall not be given to persons disagreeable to the States General, for particular reasons that may be alledged.

It is also stipulated, that the States General shall not pretend to have acquired by the cession of the town of Echt, any right of judicature or appeal, with respect to the chapter of Thorn, or other lands of the empire; and it shall be free for his Imperial and Catholick Majesty, to nominate such place as he shall think fit for the said judicature or appeal.

And because the inhabitants of that part of the upper quarter which is hereby surrendered, can no longer carry their process, in case of appeal, to the court of Ruremonde, it shall be free for their High Mightinesses to establish a court of appeal for their subjects, in what part of the province they think fit.

It is moreover agreed, that all the duties on import and export, which are levied along the Maese, shall not be increased or lessened, in the whole or in part, but by common consent; of which duties his Imperial and Catholick Majesty shall receive to his own profit, those which are collected at Ruremonde and Navaigne, and the Lords the States General those which are paid at Venlo; and for as much as the said duties upon the Maese in general, as also those upon the Schelde by way of subsidy, are appropriated to the payment of two distinct annuities, viz. one of 80,000 florins a year, and another of 70,000, by virtue of a transaction passed and concluded the 26th of December, 1687, with his late majesty of Great Britain king William III. it is agreed that their High Mightinesses, by reason of the cession abovementioned, shall give a yearly supply to his Imperial and Catholick Majesty, in the payment of the said annuities and other debts, which may be there mortgaged, in proportion to the produce of the duties of import and export which they shall receive, the whole according to the very constitution of the said annuities.

And as for the debts contracted and constituted upon the generality of the upper quarter of Guelderland, the States General shall concur in the payment thereof, for so

much as is their quota, according to the proportion set forth in the matricula of all the said upper quarter. All the documents and papers which concern the upper quarter of Guelderland, shall remain as heretofore, in the archives of Ruremonde. But it is agreed, that an inventory, or register of them shall be formed at the meeting of commissaries from his Imperial and Catholick Majesty, his majesty of Prussia, and the lords the States General; and an authentick copy of the said inventory shall be given to each of those three powers, that they may always have free access to all the papers and documents, whereof they may have occasion, for the part which they severally possess in the said upper quarter of Guelderland; and an authentick copy of such papers shall be delivered to them on the first demand.

XIX. In consideration of the great charge, and extraordinary expence which the States General are unavoidably obliged to be at, as well for maintaining the great number of troops which they are engaged by the present treaty to keep in the towns above named, as for supplying the great sums absolutely necessary for the maintenance and repair of the fortifications of the said places, and for furnishing them with ammunition and provisions, his Imperial and Catholick Majesty engages and promises to cause to be annually paid to the States General, the sum of 500,000 crowns, or 1,250,000 florins Dutch money, over and above the revenue of the part of the upper quarter of Guelderland, given up by his Imperial and Catholick Majesty in propriety to the States General, by the 18th article of the present treaty, as also over and above the cost of lodging the troops, according to the regulation made in the year 1698, in the manner as shall be particularly agreed upon: which sum of 500,000 crowns, or 1,250,000 florins Dutch money, shall be secured and mortgaged, as it is by this article secured and mortgaged upon all the revenues of the Austrian Netherlands in general, including therein the countries yielded up by France; and in particular, upon the clear neat revenues of the provinces of Brabant and Flanders, and of the countries, towns, chatellanies and dependencies yielded up by France, according as it is more particularly specified by a separate article, as well for the said

said mortgage, as for the means and terms of receiving the said sums.

And the said payment of the subsidy of 500,000 crowns, or 1,250,000 florins Dutch money, shall commence from the day of the signing the present treaty ; from which shall be deducted the revenues of the towns, chatellanies, and dependencies yielded by France, in proportion to the term elapsed from the said day, till the day on which the said countries shall be remitted to his Imperial and Catholick Majesty, in proportion to what the States General shall receive.

XX. His Imperial and Catholick Majesty, by this article, confirms and ratifies the capitulations granted to the provinces and towns of the Netherlands, heretofore called Spanish, at the time of their reduction to the obedience of his said majesty, together with the general administration of the said country therein, exercised by Great Britain, and the States General of the United Provinces, the lawful sovereign having been represented by their ministers who resided at Brussels, and by the council of state commissioned to the general government of the said Netherlands, in pursuance of the power and instructions that were given them, and of the requests that were made on the part of the two powers, as well in matters of regale, justice and police, as of the finances ; as also the particular administration of the states, provinces, colleges, towns and communities in the open country, as also of the sovereign courts of justice, and the other subaltern courts and judges.

Which acts of police, regale, justice, and the finances, shall subsist and have their full and entire effect, according to the tenor of the said acts, and sentences passed: the whole in the same manner, as if they had been done by the lawful sovereign of the country, and under his government.

XXI. Every thing that is comprised in the foregoing article shall also be observed, ratified and maintained, on the part of his Imperial and Catholick Majesty, with respect to the upper quarter of Guelderland, and the countries conquered from France, (of which king Charles II. of glorious memory, was not in possession at his decease) for all the dis-

dispositions made in the name; and on the part of the States General of the United Provinces.

And as for what concerns ecclesiastical benefices and dignities, those who have been preferred to them, and are now in possession, shall not be displaced; and those who are not yet in possession, shall be admitted to them without any opposition, but by the ways, and in the order of justice, according to the laws and customs of the country.

XXII. His Imperial and Catholick Majesty acknowledges, and promises to satisfy the obligations entered into by his Catholick Majesty Charles II. of glorious memory, for the levies of money which their High Mightinesses caused to be negotiated for his said majesty, a list whereof is subjoined to this article: and as there have not yet been remitted to the States General the obligations of the Spanish Netherlands, for the sum of 200,000 florins a year, for payment of the interest, and reimbursing the principal of 1,400,000 florins, taken up at interest in the year 1698, to be employed on the necessary occasions of the frontiers of the said Spanish Netherlands, and four years interest, amounting to the sum of 224,000 florins, wherewith the said capital of 1,400,000 florins is encreased; which obligations the said king Charles II. of glorious memory, promised to cause to be given, though they were not; his Imperial and Catholick Majesty promises hereby, to cause the obligations to be given by the States of the provinces of the said Netherlands, and immediately after to be delivered to the said States General, according to the tenor of the said obligation of his Catholick Majesty, of the 30th of May, 1698, at the first meeting of the States, or at farthest within the term of two months after the exchange of the ratifications of this treaty,

A List of the several Sums negotiated by the States General, at the request of his Catholick Majesty Charles II.

1. **T**HE first advance was of one million five hundred seventy five thousand florins, at five per cent. on the duties of import and ex-

port

| | <i>Florins.</i> |
|---|-----------------|
| port by sea, made by an act of December 13, 1690. — — — — — | 1575000 |
| 2. Upon the same fund, at five per cent. raised by an act of March 21, 1691. — — — — — | 525000 |
| 3. At five per cent. also upon the revenues of the upper quarter of Guelderland, by an act of Jan. 15. 1692. — — — — — | 567000 |
| 4 and 5. At six per cent. upon the import and export, pursuant to two acts of the 4th and 22d of May, 1693. — — — — — | 700000 |
| 6. At five per cent. upon the same fund, raised the 11th of April, 1695. — — — — — | 665000 |
| 7. At five per cent. upon the same fund, raised by an act of Nov. 24, 1695. — — — — — | 1440000 |
| 8, 9, 10. At five per cent. upon the revenues of the province of Namur, and by way of subsidy, on the sea revenues, and the domains of the province of Luxemburg, by the several acts of Dec. 10, 1695, Sept. 12, 1696, and March 6, 1697, amounting in all to — — — — — | 800000 |
| 11. At six per cent. upon the revenues of the provosty of Mons, raised by an act of April 30, 1696. — — — — — | 500000 |
| 12. The sum of one million and 400,000 florins, at four per cent. was raised upon the subsidies of the provinces of the Netherlands, upon the remittances from Spain, and subsidiarily upon the sea-revenues. Item, 224,000 florins for four years interest of the said capital, conformably to the tenor of the obligation of the 30th of May, 1698, which both together make the sum of — — — — — | 1624000 |
| <hr/> Total 8396000 | |

XXIII. In like manner his Imperial and Catholick Majesty acknowledges, approves, and confirms all levies of money (a list whereof is subjoined to this article) which there have been occasion to make for things indispensibly necessary for the preservation of the Spanish Netherlands, and

and for the maintenance of the troops of his Imperial and Catholick Majesty, during the provisional government of Great Britain, and the States General of the United Provinces, and made by their High Mightinesses, in concert with her Britannick Majesty: his Imperial and Catholick Majesty promising to satisfy and cause the said negotiations duly to be registered in the chambers of the finances and accounts, and to cause an act thereof to be delivered to their High Mightinesses in form, also to cause the capital and interests thereof, without funds and mortgages, as well principal as subsidiary, appropriated for that end, to be paid: and his Imperial and Catholick Majesty shall not, without leave of the States General, make any alteration in the direction or administration of the mortgages, upon which negotiations have been made, but shall leave the same to their High Mightinesses, conformably to the tenor of the obligation; and if those funds are not sufficient, what is wanting shall be supplied by the states of the provinces of the said Austrian Netherlands.

A List of the Money negotiated during the provisional Government of her Britannick Majesty, and their High Mightinesses, in the Netherlands.

Florins,

IN 1707, 300,000 florins were advanced at five per cent. interest upon the revenue of the post-office, to be sent to Barcelona for the king.

And 400,000 florins more, at five per cent. upon the customs of import and export in Flanders, for the service of the necessities of the Netherlands; the interest of which 400,000 florins, was settled on the post-office. — — —

700000

In February, 1709, 250,000 florins were raised at five per cent. upon the sea-duties, to maintain the Imperial and Palatine troops. — —

250000

In May 1709, a sum of 500,000 florins was advanced at five per cent. upon the same conditions, on the same funds, and for the same use,

500000

In

| | |
|--|---------|
| In August the same year, was also raised a sum of ten hundred thousand florins, on the same conditions and funds, and for the same use. | 1000000 |
| In the year 1710, a sum of three hundred thousand florins was negotiated at six per cent. upon the revenue of the post-office, to provide for the charge of the Imperial and Palatine troops, in the service of his Imperial and Catholick Majesty. | 300000 |
| Item upon the duties of import and export in Flanders, at six per cent. viz. five per cent. on the customs in Flanders, and one per cent. on the revenues of the sea, to defray the charges of the Imperial troops. | 400000 |
| Item upon the same funds, and at six per cent. viz. five per cent. on the duties of import and export in Flanders, and one per cent. on the revenues of the sea, for the same use. | 300000 |
| Item more upon the same funds, at the same interest, and for the same use. | 340625 |
| Item upon the sea revenues at five per cent. for the same use. | 300000 |
| In March 1711, upon the revenues of the post-office, at six per cent. for the same use. | 300000 |
| In December 1712, upon the sea-revenues at five per cent. for the necessities and fortifications of Mons, St. Ghislain, and Aeth. | 228330 |

Making together the sum of 4,618,955. the employment whereof, as also of the sum of 550,000 florins, which the receivers of the duties of export and import in Flanders, furnished by bills of exchange to the States-General in 1710, of 100,000 florins which they received of the receiver of the Medianaters, and of 105,000 florins (saving any mistake in the calculation) which they have received of the third chamber of the council of Flanders, has been verified to the Plenipotentiary Minister of his Imperial and Catholick Majesty, in the manner as it is more particularly explained by the declaration subjoined to the account of the negotiations and monies furnished, and of the employment thereof, signed upon the same day.

XXIV. A liquidation of the payment made of the interest and principal of the loans, mentioned in the two foregoing Articles, shall be proceeded on as soon as possible: by which liquidation nothing shall be brought to the account of their High Mightinesses, but what has been actually and really paid, by virtue of the said obligations; and on the part of his Imperial and Catholick Majesty, no difficulty or pretence of abatement or diminution shall be made against the payment of the said interest, by reason of the non-possession of the securities, confiscation in time of war, depravation of the mortgages, because of the diminution of the duties of export and import, or for any other cause or pretext whatever. Neither shall his Imperial and Catholick Majesty discontinue payment for the recovery of the interest or the terms of re-imbursment, by reason of this liquidation, but the payment shall be continued according to the conditions of the obligations, till it shall appear that all the loans, and the interests upon them be entirely acquitted and re-imbursed; after which the mortgages shall be duly discharged and restored.

XXV. Moreover, by the present article are ratified and confirmed all contracts for bread, waggons, and the forage of the Imperial and Palatine troops, made by the ministers of the Two Powers at Brussels, or by the council of state commissioned for the government of the Netherlands, at the request of the said ministers; and in like manner are confirmed and ratified all the payments already made for that purpose by the council of the finances, and the orders given by the said council for assigning the remainder of what is due for the said bread, forage, and waggons, upon the growing duties of the four species, pursuant to the request of the council of state; and the said growing duties shall not be diverted to any other uses, under any pretence whatsoever, before the undertakers who have delivered the said bread, forage, and waggons, be entirely satisfied, according to the tenour of their contracts, pursuant to the requests of the ministers of the two potentates, and to the orders of the council of state, and the council of the finances.

XXVI. As to commerce it is agreed, that the ships, merchandize and commodities coming from Great Britain
and

and the United Provinces, and entering into the Austrian Netherlands, and also the ships, merchandize and commodities going from the said Netherlands to Great Britain and the United Provinces, shall pay no other duties of importation or exportation, than what are paid upon the present foot, and particularly such as were regulated before the signing of the present treaty, according to the request made to the council of state at Brussels by the ministers of the Two Powers, dated the 6th of November: and so every thing shall remain, continue and subsist generally upon the same foot, without any alteration, innovation, diminution, or augmentation, under any pretence whatsoever, till his Imperial and Catholick Majesty, his Britannick Majesty, and the Lords the States General shall otherwise appoint by a treaty of commerce to be made as soon as possible. In the mean time, the commerce, and all that depends on it between the subjects of his Imperial and Catholick Majesty in the Austrian Netherlands, and those of the United Provinces, in the whole and in part, shall remain upon the foot established, and in the manner appointed by the articles of the treaty concerning commerce, made at Munster the 30th of January 1648, between his Majesty King Philip IV. of glorious memory, and the said Lords the States General of the United Provinces; which Articles are now confirmed by the present treaty.

XXVII. That the fortifications and all the works of the citadel of Liege, as also those of the castle of Huy, and all the forts and works shall be razed and demolished, so as never to be rebuilt or restored. Provided and be it understood, that the said demolition shall be made at the expence of the states of the country of Liege, to whom the materials shall remain, to be sold and transported elsewhere. The whole by the order and under the direction of the States General, who shall for that end send persons capable of having the direction of the said demolitions, which shall be begun immediately after the signing of the present treaty, and shall be finished in three months, or sooner if possible; and that in the mean time, the garrisons of the States General of the United Provinces shall not go out of the said places before the demolition is finished.

XXVIII.

XXVIII. And for the further security and performance of the present treaty, his Britannick Majesty promises and engages to confirm and guarantee it, in all its points and articles, as he does by these presents accordingly confirm and enter into the guaranty of it.

XXIX. The present treaty shall be ratified and approved by his Imperial and Catholick Majesty, by his Britannick Majesty, and by the Lords the States General of the United Provinces; and the ratifications shall be delivered within six weeks, or sooner if possible, to be computed from the day of signing. In witness whereof, we the ministers plenipotentiary of his Imperial and Catholick Majesty, his Britannick Majesty, and the Lords the States General, by virtue of our respective full powers, have in their Names signed these presents, and thereto affixed the Seals of our arms. Done at Antwerp, Nov. 15, 1715.

(L. S.) *J. L. C. a Konigsegg.*

(L. S.) *W. Cadogan.*

(L. S.) *B. v. Duffen.*

(L. S.) *The Count de Rechteren.*

(L. S.) *S. L. Gockinga.*

(L. S.) *Adr. v. Borsselle Sig. v. Geldermalsen.*

Form of the Oath for the Governor of Dendermonde.

I N. N. who by the appointment of his Imperial and Catholick Majesty am governor of Dendermonde, do promise and swear that I will never do any thing, nor suffer any thing to be done in the said town, which may be prejudicial to the service of their High Mightinesses the States General of the United Provinces, with respect to the preservation of the town and garrison: and that I will always, and as often as they desire, give free passage to their troops, provided it be required beforehand, and that the said troops do not pass in too great a number at one time. The whole conformably to the fifth article of the Barrier Treaty, a copy of which has been communicated to me. So help me God.

A Form of the Oath for the Governors of the places.

I N. N. swear and promise, faithfully to keep which has been committed to my government, in full sovereignty and property for his Imperial and Catholick Majesty, and never to give it up to any other power; and that I will not meddle directly nor indirectly, nor suffer any one whatsoever under my command, to meddle with any affair concerning the political government, religion, and things ecclesiastic, justice and the finances, nor even in any matter whatsoever, contrary to the rights, privileges and immunities of the inhabitants, whether clergy or laymen, or in any other affair which does not directly relate to the preservation of the place, and to the maintenance of the garrison committed to my care; but that I will leave all those matters to his Imperial and Catholick Majesty as the lawful sovereign, and to the states and magistrates, whether spiritual or temporal, as far as it appertains to each of them; promising on the contrary to assist them with force of arms always, and as often as I shall be required, for the maintenance of the orders of the state, and the preservation of the tranquility against all those that shall offer to oppose them. Provided, and be it understood, that it shall be lawful for me to execute the orders which the States General shall give me, conformably to and in pursuance of the treaty between his Imperial and Catholick Majesty and their High Mightinesses. So help me God.

SEPARATE ARTICLE.

WHEREAS in the 19th article of the treaty of barrier for the States General of the United Provinces in the Austrian Netherlands, concluded this day, being the 15th of November 1715, between his Imperial and Catholick Majesty, his Britannick Majesty, and the said Lords the States General, it was agreed that there should be a more specifick explanation by a separate article, with regard to the mortgages, and to ways and means for collecting the subsidy therein mentioned; his Imperial and Catholick Majesty, for the better securing and facilitating the payment of the said subsidy of 500,000 crowns, or

1,250,000 florins Dutch money, granted annually, and stipulated by the said article, has particularly charged the sum of 610,000 florins Dutch money annually, upon the countries, towns, chatellanies and dependencies, yielded by France, according to the following repartition, viz. Upon the city of Tournay 55,000 florins; upon the chatellany of Tournay called the Tournesis, 25,000 florins; upon the city and verge of Menin 90,000 florins; and upon that part of West Flanders which was yielded by France, share and share alike among the towns, chatellanies, and dependencies, 44,000 florins; and the residue thus, viz. One-third upon the subsidies of the province of Brabant, amounting to the sum of 213,333 $\frac{1}{3}$ florins; and upon those of the Province of Flanders, two-thirds, amounting to the sum of 426,666 $\frac{2}{3}$ florins, making all together the said total sum of 500,000 crowns, or 1,250,000 florins Dutch money.

The portion of the province of Brabant is charged upon the contingent of the seven quarters of Antwerp, and the other district of Brabant, in the subsidies of that province.

And the quota of the province of Flanders upon the contingent of the country of Waes, including therein Beveren, the county of Oudenburg, the frank of Bruges, country of Alost, and the town and country of Dendermonde, in the subsidies of that province. And for the better securing the regular payment of the said respective sums, his Imperial and Catholick Majesty promises and engages that it shall be made quarterly, viz. at the end of every three months from the day of the signing of the present treaty: And on failure of payment at the end of the said three months, his Imperial and Catholick Majesty from this time, and by this treaty, orders the states of the provinces and jurisdictions, and the receivers of the subsidies, both ordinary and extraordinary, together with those of his rights and demesnes, by whom the payment ought to be made, conformably to the foregoing repartition, that by virtue of this article, and according to a copy thereof, they immediately pay the sums abovementioned at the expiration of each term, to the receiver general of the States General, or his orders, without expecting any other notice or assignment, this present article being to serve them instead of an order and assignment, from the present time, and for that time too.

And

And the said payment shall be allowed them in the account, by his Imperial and Catholick Majesty, as much as if it had been paid to himself.

On failure whereof, or rather in case the said States should not grant the subsidies with the necessary speed, the States General may proceed to methods of compulsion and execution, and even to violence against the receivers, states and demesnes of the said provinces and jurisdictions, which his Imperial and Catholick Majesty renders thereto liable, by virtue of this article. The whole without prejudice to the right of their High Mightinesses to the other revenues of the sovereign, over and above the subsidy of the provinces, such as the duties of import and export, taxes, tailles, tolls, and other domains.

Moreover, it is agreed that the payment of the said subsidy shall not be retarded, much less refused on pretence of compensation, liquidation, or any other claims, of what name or nature soever they be.

And this separate article shall have the same force as the said treaty of barrier, altogether as much as if it was therein inserted verbatim, and it shall be ratified at the same time as this treaty.

In witness whereof, we the ministers plenipotentiary of his Imperial and Catholick Majesty, his Britannick Majesty, and the Lords the States General, have signed this present article, and caused it to be sealed with the seals of our arms. Done at Antwerp the 15th of November, 1715.

(L. S.) *J. L. C. Königsegg,*

(L. S.) *W. Cadogan.*

(L. S.) *B. v. Dussen.*

(L. S.) *The Count de Rechteren.*

(L. S.) *S. L. Gockinga.*

(L. S.) *Adr. v. Borsselle* Lord of *Geldermalsen,*

Treaty of Commerce between Great Britain and Spain, concluded at Madrid, the 14th of December 1715.

WHEREAS since the treaties of peace and commerce, lately concluded at Utrecht, the 13th of July and the 9th of December 1713, between his Catholick Majesty

jeſty and her late Maſteſty the Queen of Great Britain of glorious memory, there remained ſtill ſome differences about trade and the courſe thereof; and his Catholick Maſteſty and the King of Great Britain, being inclined to maintain and cultivate a firm and inviolable peace and friendſhip, in order to attain to this good end they have by their two miniſters underwritten, mutually and duly qualified, cauſed the following articles to be concluded and ſigned.

I. The Britiſh ſubjects ſhall not be obliged to pay higher or other duties, for goods coming in or going out of the ſeveral ports of his Catholick Maſteſty, than thoſe they paid for the ſame goods in King Charles the Second's time, ſettled by cedulae and ordonnances of the ſaid king or his predeceſſors: and although the *Gratias* commonly called *Pie del fardo*, be not grounded on any royal ordonnance, nevertheleſs his Catholick Maſteſty declares, wills and ordains, that it be obſerved now and hereafter as an inviolable law; which duties ſhall be exacted and raiſed now and for the future, with the ſame advantages and favours to the ſaid ſubjects.

II. His maſteſty confirms the treaty made by the Britiſh ſubjects with the magiſtrates of St. Andero, in the year 1700.

III. His Catholick Maſteſty permits the ſaid ſubjects to gather ſalt in the iſle of Tortugas, they having enjoyed this liberty in the reign of King Charles II. without interruption.

IV. The ſaid ſubjects ſhall pay no where any higher or other duties than thoſe paid by the ſubjects of his Catholick Maſteſty in the ſame places.

V. The ſaid ſubjects ſhall enjoy all the rights, privileges, franchises, exemptions, and immunities whatever, which they enjoyed before the laſt war, by virtue of the royal cedulae or ordonnances, and by the articles of the treaty of peace and commerce made at Madrid in 1667, which is hereby fully confirmed; and the ſaid ſubjects ſhall be uſed in Spain in the ſame manner as the moſt favoured nation, and conſequently all nations ſhall pay the ſame duties on wool and other merchandizes coming in and going out by ſea: and all the rights, privileges, franchises, exemptions, and immunities

munities that shall be granted and allowed to the said subjects, the like shall be granted, observed and permitted to the subjects of Spain, in the kingdoms of his Majesty the King of Great Britain.

VI. And as innovations may have been made in trade, his Catholick Majesty promises on his part to use his utmost endeavours to abolish them, and for the future to cause them to be avoided: in like manner the King of Great Britain promises to use all possible endeavours to abolish all innovations on his part, and for the future to cause them by all means to be avoided.

VII. The treaty of commerce made at Utrecht, the 9th of December 1713, shall continue in force, except the articles that shall be found contrary to what is this day concluded and signed, which shall be abolished and rendered of no force, and especially the three articles commonly called explanatory: and these presents shall be approved, ratified and exchanged on each side, within the space of six weeks, or sooner, if possible. In witness whereof, and by virtue of our full powers, we have signed these presents at Madrid, the 14th of December, in the year 1715.

(L. S.) *M. de Bedmar.*

(L. S.) *George Bubb.*

Treaty of mutual defence between the most serene and most potent prince Charles VI. Emperor of Germany, &c. and the most serene and most potent prince George, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. concluded at Westminster on the 25th of May, 1716. Reprinted from the copy printed by authority.

In the name of the most Holy and Undivided Trinity.

BE it known to all and every one whom it may concern. The august emperor of the Romans, Charles VI. king of Spain, Hungary, and Bohemia, archduke of Austria, duke of Burgundy, &c. and the most serene and most potent prince, George, by the Grace of God, king of Great Britain, France, and Ireland, duke of Brunswick and Lunenburgh, elector of the Holy Roman Empire,

&c. having reflected on the eminent advantages which were derived from the sincere and constant union of their predecessors, and therefore considering the more attentively the circumstances of the present time, they applied their minds to the renewing of the same for the common good.

Whereupon, by the blessing of God, concerting counsels, they have agreed in form upon a treaty and mutual alliance consisting of the following articles.

I. That there be between his abovementioned Imperial and Royal Catholick Majesty, and his Sacred Royal Majesty of Great Britain, a sincere friendship and union of counsels, and perfect alliance, that each of them look upon the other's interests as his own, and earnestly endeavour to promote them, and prevent by the best means he is able, all damages.

II. That the design and end of this defensive alliance be no other than mutually to defend each other, and to preserve themselves in the possession of the kingdoms, provinces and rights, in the condition they now are, which either of them actually has and enjoys; if therefore it shall happen, that the one or the other of these allies shall be hostilely invaded or molested by any power, it is agreed, that the honour, dignity, as also the kingdoms, provinces, and rights abovementioned, which that ally possesses in any part of Europe at the time of this alliance, or which during the same they shall by mutual consent acquire, shall with common aid and assistance by land and by sea, be preserved, defended and maintained inviolable, against all aggressors whatsoever; and likewise that a just satisfaction shall be procured for any injury which shall happen to be done.

III. For attaining this wholesome end, in the foresaid case of any hostile invasion, the party attacked shall notify the same to his ally, who shall use all his endeavours with the aggressor, to induce him to abstain without delay from farther hostility, to make due satisfaction for the damage done, and shall take care for the future security of his Ally.

IV. If this fair means do not succeed within the space of two months, assistance shall immediately be sent by the ally to the party attacked, nor shall the same be recalled till what is expressed in the foregoing second article be obtained.

V. The

V. The succours, which when this case happens, are to be furnished by the allies, shall be as follows: On the part of his Imperial and Catholick Majesty, twelve thousand men, that is to say, eight thousand foot, and four thousand horse. And on the part of his sacred royal majesty of Great Britain, as many thousand men; that is to say, eight thousand foot, and four thousand horse. But if the nature of the war should require rather maritime succours, in whole or in part, the ally shall be obliged to furnish, instead of the said land forces, so many ships of war as shall be equal in expence to the said number of men: So likewise in case greater succours, either of land or sea forces, should be necessary, the allies shall without delay come to an agreement about them, and show an amicable disposition on both sides.

VI. It is agreed, that no other prince or power shall be invited or admitted into this alliance, unless by the unanimous and mutual consent of the allies, and in such manner as shall be stipulated and agreed between them.

VII. But whereas nothing is more desired by either ally, than, this treaty being made, to secure by mutual assistance the common safety, and preserve inviolable the publick peace; and there being no doubt but the Mighty States General of the United Provinces of the Netherlands are disposed most readily to assist and promote, by their accession, so useful and so necessary a work, it is therefore now thought fit not only willingly to admit the said States General into this present alliance, but to invite them amicably without delay, to enter into it.

In witness whereof the plenipotentiaries as well of his Sacred Imperial and Catholick Majesty, as of his Sacred Royal Majesty of Great Britain, have signed these presents with their hands, and set their seals thereto. Done at Westminster on the 25th of May 1716.

(L. S.) *Otto Christophorus
Comes Volkra.*

(L. S.) *Joannes Philippus
Hoffman.*

(L. S.) *W. Cant.*

(L. S.) *Cowper C.*

(L. S.) *Sunderland C.P.S.*

(L. S.) *Devonshire.*

(L. S.) *Marlborough.*

(L. S.) *Roxburghc.*

(L. S.) *Orford.*(L. S.) *Townshend.*(L. S.) *James Stanhope.*(L. S.) *R. Walpole.*

SEPARATE ARTICLE.

IT is farther agreed, that if in process of time war should break out between his Sacred Imperial and Catholick Majesty, and the Ottoman Empire, the treaty of alliance concluded this day with his Sacred Royal Majesty of Great Britain, shall not be deemed in any wise to relate or extend thereto; nor shall war with the turks, (reason of state so requiring) be understood to be a case intended by this treaty. *This separate article is dated and signed as the treaty.*

Additional Separate and Secret Article.

WHEREAS it is the principal scope and intention of the treaty of alliance concluded the last year between his Sacred Imperial and Royal Catholick Majesty and his Royal Majesty of Great Britain, that the union and friendship betwixt their said majesties may be bound in the closest engagements that are possible, and that on every occasion that offers they may mutually promote each other's interests, and may faithfully and sincerely secure themselves against all enemies whatsoever: and whereas, since the conclusion of the said alliance, many of his Britannick Majesty's rebel subjects have come into several of the hereditary provinces of his Imperial and Catholick Majesty, whereby they found means and opportunity of carrying on a pernicious correspondence with other ill-affected and seditious inhabitants of Great Britain, and use all their endeavours to stir up a new rebellion in the said kingdom; whence both the government of his Britannick Majesty, and the tranquillity and repose of his faithful subjects may be continually disturbed by these secret factions and conspiracies, to their very great detriment. It is therefore declared by these presents on the part of his Imperial and Royal Catholick Majesty, that he will grant no entertainment, refuge, or passage, under any pretext whatsoever

soever within his hereditary provinces situated in Germany and the Austrian Netherlands, to his Britannick Majesty's rebel subjects, who are or shall be declared such, nor to the person commonly called the Pretender. As likewise his royal majesty of Great Britain doth promise, that he never will grant any passage, entertainment, or refuge, to the rebel subjects of his Imperial and Royal Catholick Majesty, who are or shall be declared such within his kingdoms of Great Britain and Provinces of the Roman Empire. Wherefore it is on both sides provided that they will mutually compel the aforesaid rebel subjects to depart out of the said kingdoms and provinces within the space of eight days, from the time that the minister of him, whose subjects those rebels are reputed, shall have made such application to his said Imperial Majesty, or his Royal Majesty, in the name of his master. In witness whereof we the commissioners and plenipotentiaries of his Sacred Imperial and Royal Catholick Majesty, and of his Sacred Royal Majesty of Great Britain, by virtue of our full powers respectively (the copies whereof are added at the end of this article) have signed this instrument with our hands. Done at Vienna Sept. 1, 1717.

(L. S.) A Stanyan.

Convention for explaining the articles of the Assiento, or contract for Negroes, between the most Serene and most Potent Prince George, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. and the most Serene and most Potent Prince Philip V. the Catholick King of Spain, Concluded at Madrid, the 2^d of May, 1716.

GEORGE, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To all and singular to whom these present letters shall come, greeting: whereas a certain convention, for explaining the articles of the treaty commonly called El Assiento de los Negros, the Contract for Negroes, between us and our good brother Philip V. the Catholick king of Spain
and

and the Indies; was concluded and signed by ministers plenipotentiaries impowered with sufficient authority on both sides, at Madrid on the 27th day of the month of May last; in the form and words following:

AFTER a long war, which had afflicted almost all Europe; and had produced dismal effects, it appearing that the continuance of it would create yet more, it was agreed with the queen of Great Britain of glorious memory, to put a stop to it, by a good and sincere peace; and in order to render it firm and solid, and to maintain the union between the two nations, it was determined that the Assiento for furnishing our West Indies with Negroes, should for the future, and during the time expressed in the treaty of Assiento, be on the account of the royal company of England; which said Company having thereupon made several representations to us by the minister of Great Britain, after they had made the same to the king their master, concerning some difficulties which related to certain articles of the said treaty; and we being desirous, not only to maintain the peace established with the English nation, but to preserve and augment it by a perfect good understanding, have commanded our ministers to confer on the said affair of the Assiento with the minister plenipotentiary of the king of Great Britain, to the end that, as equity requires, some agreement might be made on the said articles, as has actually been done by the following declarations.

In the treaty of Assiento made between their Britannick and Catholick Majesties on March 26, 1713, for the carrying of Negroes to the Indies by the company of England, and for the term of thirty years, which were to commence from May 1, 1713, his Catholick Majesty was pleased to grant to the said Company the favour of sending to the Indies every year (during the said Assiento) a ship of 500 tun, as is mentioned in the said treaty: on condition that the goods with which the said annual ship should be laden, should not be allowed to be sold but in the time of the fair; and that if the ship arrived in the Indies before the ships from Spain, the factors employed by the said company should be obliged to land all the goods, and deposite them in trust in the Catholick King's warehouses, to be kept under two keys, and with other circumstances specified

fied in the said treaty, till they could be sold at the time of the fair.

It has been represented on the part of his Britannick Majesty and of the said company, that the said favour was granted by the Catholick King to make good the losses which the company might suffer by the Affiento; so that if the condition, not to dispose of the goods but in the time of the fair, were to be observed, and the fair not being held regularly every year, as experience has shewn heretofore, and as may happen hereafter, the company instead of gaining profit, would lose the prime cost of the cargo: it being very well known, that goods will not keep long in that country, and particularly at Porto-Bello. For this reason the company desires an assurance that the fair shall be held every year, either at Cartagena, Porto-Bello, or *Vera Cruz*; and that notice may be given them at which of those three ports it is intended to keep the fair, that they may know where to send out their ship; which arriving at the said ports, if no fair be there held, the company may vend the goods after a certain limited time, to be reckoned from the day of the arrival of the said ship at such port.

His majesty being willing to give the king of Great Britain new proofs of his friendship, and to corroborate the union and good correspondence between the two nations, has declared, and declares, that the fair shall be held regularly every year, either in Peru, or in New Spain, and that notice shall be given to the court of England of the exact time when the Flota or Galleons will sail for the Indies, to the end the company may at the same time dispatch the ship granted by his Catholick Majesty; and in case the Flota and Galleons shall not depart from Cadiz before the month of June expires, the said company shall be allowed to send away their ship, giving notice of the day of her sailing to the court of Madrid, or to the minister of his Catholick Majesty who shall be at London; and when she shall arrive at one of the three ports of Cartagena, Porto-Bello, or *Vera Cruz*, she shall be obliged to wait there for the Flota or Galleons four months, to be reckoned from the day of the arrival of the said ship; which term being expired, the company shall be allowed

to sell their goods without any hindrance ; but it is to be understood, that if this ship of the company's be bound for Peru, she shall go directly to Cartagena, and Porto-Bello, without passing into the South-Sea.

The said company has also represented, that the number and price of Negroes to be bought in Africa being uncertain ; and as they must be purchased with goods, not with money, the quantity of merchandize to be carried to that country cannot be exactly settled ; and it being improper to run any hazard of having too few goods for that trade, it may happen that there will be an overplus : wherefore the said company desire, that the goods which shall remain undisposed of in exchange for the Negroes, may be carried to the Indies, otherwise they should be obliged to cast them into the sea ; for obtaining this the said company offer, for the greater security, to depolite the said goods which shall remain overplus, in the first port belonging to his Catholick Majesty which their ship shall reach, and in the king's warehouses, to take the same on board again when the ship shall be on her return to Europe.

As to the article, importing that the overplus goods which shall not be disposed of in purchasing Negroes, and for want of warehouses in Africa, are proposed to be carried to the Indies, to be laid up in his Catholick Majesty's ports, under two keys, one to be kept by the king's officers, and the other by the factors of the said company, his Catholick Majesty will grant it to be done only at the port of Buenos Ayres ; because between Africa and the said port of Buenos Ayres, there is not any island or place under the dominion of the king of Great Britain where the ships belonging to the Assiento for Negroes can put in ; but it is quite the contrary with respect to the navigation between Africa and the ports of Caracas, Cartagena, Porto-Bello, Vera Cruz, Havana, Porto-Rico, and St. Domingo : for his Britannick Majesty is among the windward islands possessed of the islands of Barbadoes, Jamaica, and several others ; at which the said Assiento ships may touch, and leave the said overplus goods, which shall not have been exchanged for the Negroes, and take them in again when they return to Europe. By this means all manner of suspicion is taken away, and the proceedings in the affair

fair of the Affiento shall be with good faith, which ought to be desired on both sides, and is most convenient. The factors of the said company shall be obliged, as soon as the ship shall arrive in the port of Buenos Ayres, to give a declaration of all the said goods to his Catholick Majesty's officers; on condition, that all the goods which shall not be declared, shall be immediately confiscated and adjudged to his Catholick Majesty.

The said company has likewise represented to his Catholick Majesty some difficulty that has risen about the payment of the duties of the year 1713, stipulated and agreed on by the treaty of Affiento, in which it is said, that the Affiento was to begin on the 1st day of May in the said year: but the company having at the same time purchased the whole number of Negroes, to keep them under his Catholick Majesty's protection till the signing of the treaty, the importing those Negroes into the Indies was not permitted, by reason of the clause which was inserted in the 18th article, namely, that the execution of the treaty should not take place till the peace should be proclaimed; so that the company was obliged to cause them to be sold to the British colonies at considerable loss. And though the company have not received any profit, but suffered loss, by reason of the said article, and of the said clause inserted in the said treaty by his Catholick Majesty's ministers; yet the said company are willing to give proofs of their most humble respect to his Catholick Majesty, and propose to pay for the year 1714, that is to say, from the 1st of May, that year forwards, submitting intirely to the pretension for two years: on condition his Catholick Majesty will be pleased to grant to the said company the permission of sending the ship on the terms above expressed, in which his majesty is interested for the fourth part of the gain, with five per cent. on the other three parts; so that the said company oblige themselves to pay to his Catholick Majesty's order, as soon as they shall have a favourable answer, not only the 200,000 pieces of eight by way of anticipation, but also the money due for the two years: which two sums together amount to 466,666 pieces of eight and two-thirds.

His Catholick Majesty having considered the said representation, has been pleased to grant, as he does grant to the said company, that the said Assiento shall commence from May 1, 1714; and consequently that the said company shall be obliged to pay the duties of the two years, which began on May 1, 1714, and ended on May 1, 1716, as well as the 200,000 pieces of eight, by way of anticipation; which sum the said company are obliged to pay at Amsterdam, Paris, London, or Madrid, all in one payment, or divided into several, as his Catholick Majesty shall think fit; and in the like manner shall the payments be made for the future, as long as the said Assiento lasts; for which payments the effects of the said company shall be answerable.

As to the yearly ship which his majesty has granted to the company, and which they have not sent to the Indies in the three years 1714, 1715, and 1716; the company having obliged themselves to pay his Catholick Majesty the duties and revenues of the aforesaid three years, his majesty is pleased to make the said company amends, by allowing them to divide the 1,500 tons into ten annual parts, to begin the ensuing year 1717, and end in the year 1727; so that the ship granted by the treaty of Assiento, instead of being but of 500 tun, shall be of 650 tun, (each tun being to be computed at two pipes of Malaga in measure, and at 20 quintals in weight, as is the ordinary computation between Spain and England) during the said 10 years; on condition that the said ship shall be searched and registered by his Catholick Majesty's ministers and officers, who shall be at the ports of Vera Cruz, Cartagena, and Porto-Bello.

The treaty of Assiento made at Madrid on March 26, 1713, shall remain in force, those articles excepted which shall appear to be contrary to what is concluded and signed this day, which shall be abolished and of no validity; and these presents shall be approved, ratified, and exchanged on both sides, within the term of six weeks, or sooner if it be possible. In witness whereof, and by virtue of our full powers, we have signed these presents, at Madrid the 26th of May, in the year 1716.

(L. S.) *George Bubb.*

(L. S.) *El Marq. de Bedmar.*

A treaty of alliance between Lewis XV. king of France and Navarre, George king of Great Britain, and the Lords the States General of the United Provinces, for the maintenance and guarantee of the treaties of peace made at Utrecht in 1713, and particularly for maintaining the order of the succession to the crowns of France and England, as established by the said treaties, and for the demolition of the port of Mardyke. Concluded at the Hague, Jan. 4, 1717.

LEWIS by the Grace of God king of France and Navarre, to all who shall see these presents, greeting. Whereas our trusty and well-beloved the Abbot du Bois, counsellor in ordinary in our council of state; and our trusty and well-beloved the Sieur de Chateauneuf, marquis de Castagnete, honorary counsellor in our court of parliament at Paris, our ambassadors extraordinary and plenipotentiary, have by virtue of the full powers which we gave them, agreed to conclude and sign the following treaty of defensive alliance, on the 4th of this present month of January, with William lord Cadogan, baron of Reading, knight of the order of St. Andrew, master of the robes to our most dearly beloved brother the king of Great Britain, lieutenant general of his armies, colonel of the second regiment of his guards, governor of the Isle of Wight, and his ambassador extraordinary and plenipotentiary, who was also furnished with full powers; and with the Sieur John van Essen, burgomaster of Zutphen, curator of the university of Harderwick; Wigbold Vander Does, lord of Nortwick, of the order of the nobility of Holland and Westfriesland; Samuel Coninck, senator of the town of Veere; Frederick Adrian, baron de Rheede, lord de Renswoude, Emminckhuysen and Moerkerken, &c. president of the nobility of the province of Utrecht; Ulbe Aylva van Burmania, bailiff of the nobility of Leewarden; Anthony Eckout, burgomaster of the town of Campen; and Wicher Wichers, burgomaster of the town of Groningen, all deputies in their assembly, on the part of the states of Guelderland, Holland and Westfriesland, Zealand, Utrecht, Friesland, Overijssel, Groningen, and Ommelanden,

melands, in quality of plenipotentiaries from their High Mightinesses, our very dear and great friends the States General of the United Provinces of the Netherlands, likewise furnished with full powers.

Forasmuch as the most serene and most mighty prince Lewis XV. by the Grace of God, most Christian King of France and Navarre, the most serene and most mighty prince George, by the Grace of God king of Great Britain, duke of Brunswick and Lunenberg, elector of the Holy Roman Empire, &c. and the High and Mighty Lords the States General of the United Provinces of the Netherlands, being desirous to corroborate more and more the peace that is established between their kingdoms and states respectively to remove entirely on every side, all cause of jealousy, which might in any manner whatsoever disturb the tranquillity of their dominions, and to bind yet more strongly by new ties, that friendship which is between them, in order to attain so salutary an end, they have thought it necessary to come to an agreement between themselves: and to that purpose their majesties aforesaid, and the said lords the States General have named, viz.

The most Christian King, his ambassadors extraordinary and plenipotentiaries, the Sieur William du Bois, abbot of St. Peter d' Airvault, of St. Just, and of Nogent, formerly preceptor to his royal highness the duke of Orleans, regent of the kingdom of France, counsellor of state in ordinary; and the sieurs Peter Anthony de Chasteauneuf, marquis de Castagnere, honorary counsellor to the parliament of Paris, and ambassador from his most Christian Majesty to the lords the States General of the United Provinces.

The king of Great Britain has named his ambassador extraordinary and plenipotentiary, the lord William Cadogan, baron of Reading, knight of the order of St. Andrew, master of the robes to the king of Great Britain, lieutenant general of his armies, colonel of the second regiment of his guards, and governor of the Isle of Wight.

And the lords the States General have named their deputies and plenipotentiaries, the sieurs John van Essen, burgomaster of the town of Zutphen, curator of the university at Harderwick; Wigbold Vander Does, lord of Noortwick,

Noortwick, of the order of the nobility of Holland and Westfriesland, grand baily and dykegrave of Rhyndland; Anthony Heinfius, counsellor, pensionary keeper of the great seal, and superintendant of the fiefs of the province of Holland and Westfriesland; Samuel Coninck, senator of the town of Veere; Frederick Adrian, baron de Rheede, lord of Renswoude, Emminckhuysen and Moerkerken, &c. president of the nobility of the province of Utrecht; Ulbe Aylva van Burmania, baily of the nobility of Leeuwarden; Anthony Eckhout, burgomaster of the town of Campen; and Wicher Wichers, burgomaster of the town of Groningen, all deputies in their assembly, on the part of the states of Guelderland, Holland, and Westfriesland, Zealand, Utrecht, Friesland, Overijssel, Groningen, and the Ommelands.

Who after having communicated their full powers to one another, and after having exchanged the same according to custom, agreed upon a treaty of defensive alliance, between the most Christian King, the king of Great Britain, and the lords the States General of the United Provinces, their kingdoms, dominions and subjects, on the following conditions.

I. That from this day forth and for ever, there shall be a true, firm, and inviolable peace, a most sincere and intimate friendship, and a most strict alliance and union between the said most serene kings, their heirs and successors, and the lords the States General, their lands, countries, and towns respectively, and their subjects and inhabitants, as well within as out of Europe: and that the same be preserved and cultivated in such manner, that the contracting parties may faithfully and reciprocally reap their profit and advantage thereby; and that by the most convenient measures all losses and damages which might befall them, may be averted and prevented.

II. And sofarasmuch as it is known by experience, that the near abode of the person, who in the life-time of king James II. did take upon him the title of prince of Wales, and since the death of the said king has taken the title of king of Great Britain, may excite commotions and trou-

bles in Great Britain, and the dominions depending thereon, it is agreed upon and determined, that his most serene majesty the most Christian King do oblige himself by the present treaty, to engage the said person to depart out of the country of Avignon, and to go and take up his residence on the other side of the Alps, immediately after the signing of the treaty, and before the exchange of the ratifications. And the most Christian King, yet farther to testify his sincere desire, not only to observe all the engagements which the crown of France has formerly entered into concerning the said person, religiously and inviolably, but also to prevent all manner of suspicion and diffidence for the future; does again promise and engage for himself, his heirs and successors, not to give, or furnish at any time whatever, directly, or indirectly, either by sea, or by land, any advice, aid or assistance by money, arms, ammunition, military stores, ships, soldiers, seamen, or any other manner of help whatsoever, to the said person, who takes upon himself the title before mentioned, or to any other persons whatever, who having commission from him may in consequence thereof disturb the tranquillity of Great Britain by open war, or by secret conspiracies, or insurrections and rebellions, and make opposition to the government of his Britannick Majesty.

Moreover, the most Christian King promises and engages, not to permit the person above designed to return at any time hereafter to Avignon, or to pass through the lands depending on the crown of France, on pretence of returning either to Avignon or to Lorrain, or so much as to set foot on any part of his most Christian Majesty's dominions, much less to reside there under any name or appearance whatsoever.

III. The said most serene kings and the said lords the States General do also promise and engage themselves, reciprocally to refuse all kind of refuge and protection to the subjects of either of them, who have been, or shall be declared rebels, whenever it shall be requested by the contracting party, whose subjects those rebels shall be known to be, and likewise to compel the said rebels to depart out of the dominions under their obedience, in a week's time after

after the minister of the said ally shall have required it in his master's name.

IV. And the most Christian King being sincerely desirous, that every thing heretofore agreed on with the crown of France concerning the town of Dunkirk, may be fully executed, and that nothing be omitted which the king of Great Britain may think necessary for the entire destruction of the port of Dunkirk, and to prevent all manner of suspicion that there is an intention to make a new port at the canal of Mardyke, and to put it to some other use than draining off the waters which might drown the country, and carrying on the commerce necessary for the subsistence and maintenance of the people of that part of the Netherlands, which is only to be carried on by small boats, that are not allowed to be above 16 feet wide; his most Christian Majesty doth engage, and promise to cause every thing to be executed, which the sieur d' Ibberville his most Christian Majesty's envoy, having full power for that purpose, did agree to, at Hampton-Court, as is contained in a memorial of the 1st of November, 1716, signed by the sieur d' Ibberville, and by the lord viscount Townshend, and Mr. Methuen, secretaries of state for Great Britain, which is as follows.

An explanation of what should be inserted in the IVth article of the treaty concerning the canal and sluices of Mardyke.

1. **T**HAT the great passage of the new sluice of Mardyke, which is 44 feet wide, shall be demolished from top to bottom, that is to say, by taking away its * bajoyers, planks, * bulks, * longrines, and * traversines, from one end to the other; and by taking off the gates, the wood and iron-work of which shall be taken to pieces, and all these materials be employed elsewhere to such uses as his most Christian Majesty shall think fit; provided nevertheless, that they be never made use of for any

* These are terms for beams, &c. which cannot be rendered into English.

port, haven or sluice at Dunkirk or Mardyke, or in any other place whatsoever, within two leagues from either of those two places: it being the intention of the contracting parties; and the end they propose to themselves by this treaty, that no port, haven, fortification, sluice or basin, be made or built at Dunkirk, the sluice of Mardyke, or any other place whatever along the shore, at such distance upon that coast.

2. That the little sluice shall remain as it is at present, with respect to its depth, provided the breadth thereof be reduced to 16 feet; that is to say, by advancing the Bajoyer de la Pille ten feet on the west-side, after having taken away six feet of the flooring, and the bulks of the * radier all along on the same side, the remaining four feet of plank or flooring being necessary to serve for the foundation of a new * bajoyer; and forasmuch as the said bajoyer must be advanced ten feet towards the east-side, there shall likewise be demolished ten feet of the same pile on the west-side from the foundation, to the end that the present radier may never serve for a sluice of 26-feet broad, as this is at present.

3. The jetties and fascine-work from the Downs, or the place where the tide rises upon the strand, when it is high water, down to the lowest ebb, shall be demolished on both sides of the new canal, and made level with the shore; and the stones and fascine-work that are above the said level, may be carried away and employed to such use as his most Christian Majesty shall think fit; provided however, that they be never made use of for any port or haven at Dunkirk, or Mardyke, or any other place whatsoever, within two leagues from either of those two places: the intention of the parties contracting, and the end they propose to themselves by this treaty being, that no more jetties or fascine-work shall ever be made again upon the shore of this coast, within that distance on either side.

4. It is also stipulated, that immediately after the ratification of this present treaty, a sufficient number of workmen shall be employed in the demolition of the said jetties along the new canal, to the end that they may be razed, and the work finished, if possible, within two months after the

the ratification. But for as much as it has been represented, that because the season is so far advanced, they cannot begin to narrow the radier of the small passage, nor demolish the great radier till next spring, it is agreed that this work shall be begun ^{April 25,} and entirely perfected if ^{May 5} possible, in the manner abovementioned by the end of June, 1717.

5. The demolition of the jettées or peers on both sides of the old canal or port of Dunkirk, shall be entirely finished and made level with the ground, all the way from the lowest ebb, as far as within the town of Dunkirk; and if there shall remain any pieces of Fort Blanc, Chateau Verd, and Bonne Esperance, they shall be totally laid flat to the ground.

When this treaty shall be ratified, the king of Great Britain, and the lords the States General of the United Provinces may send commissioners to the spot, to be eyewitnesses of the execution of this article.

We have signed this article provisionally, and upon condition that it be approved by his most Christian Majesty, his Britannick Majesty, and the lords the States General of the United Provinces. At Hampton-Court the $\frac{1}{2}$ of September in the year 1716. Signed by d' Ibberville, Townshend, and P. Methuen.

V. It being the true end and purpose of this alliance, between the said most serene kings, and the lords the States General, to preserve and maintain reciprocally the peace and tranquillity of their kingdoms, dominions and provinces, established by the late treaties of peace, concluded and signed at Utrecht the 11th of April 1713, between their most serene majesties the most Christian King, the queen of Great Britain, and the said high and mighty lords the States General of the United Provinces; it is agreed upon and concluded, that all and singular the articles of the said treaties of peace, as far as they relate to the interest of the said three powers respectively, and of each of them in particular, and likewise the successions to the crown of Great Britain in the protestant line, and to the

crown of France, according to the said treaties, shall remain in their full force and vigour; and that the said most serene kings and the said lords the States General do promise their reciprocal guarantee for the execution of all the conventions contained in the said articles, so far as they regard the successions and interests of the said kingdoms and states as above said, and likewise for the maintaining and defending of all the kingdoms, provinces, states, rights, immunities, and advantages, which each of the said allies respectively shall really be possessed of, at the time of the signing of this alliance. And for this end the said most serene kings, and the lords the States General, have agreed and concluded between themselves, that if any one of the said allies be attacked by the arms of any prince or state whatever, the other allies shall interpose their good offices with the aggressor, to procure satisfaction to the party offended, and to engage the aggressor to abstain entirely from all kinds of hostility.

VI. But if such good offices have not the expected effect, to reconcile the two parties, and to obtain a satisfaction and reparation of damages within two months, then those of the allies who have not been attacked, shall be obliged without delay to assist their ally, and to furnish him the succours hereafter mentioned, viz.

The most Christian King, 8,000 foot and 2,000 horse.

The king of Great Britain, 8,000 foot and 2,000 horse.

The States General 4,000 foot and 1,000 horse.

But if the ally who shall be engaged in a war, as afore said, chuse rather to have succours by sea, or even prefers money to either sea or land forces, the same shall be left to his discretion; provided a proportion be always observed between the sums given, and the number of troops above specified.

And to the end that there may be no dispute about this point, it is stipulated that 1,000 foot soldiers shall be valued at the sum of 10,000 livres per month, and 1,000 horse at the sum of 30,000 livres per month, Dutch money, reckoning 12 months in the year; and succours by sea shall be valued at the same proportion.

VII. It is likewise stipulated and agreed upon, that if the kingdoms, countries or provinces of any of the allies are disturbed by intestine quarrels, or by rebellions on account of the said successions, or under any other pretext whatever, the ally thus in trouble shall have full right to demand of his allies the succours abovementioned, or such part thereof as he shall judge necessary, at the cost and expence of the allies that are obliged to furnish these succours, which shall be sent within the space of two months after they are demanded; saving however, as is aforesaid, to the party that requires them, his free choice to demand succours either by land or sea: and the allies shall be reimbursed of what charges they shall be at for the succours given, by virtue of this article, within the space of a year after those troubles are pacified and appeased. But in case the said succours be not sufficient, the said allies shall agree in concert to furnish a greater number, and also if the case require it, they shall declare war against the aggressors, and assist one another with all their forces.

VIII. The present treaty shall be ratified by their most Christian and Britannick Majesties, and the lords the States General, and the letters of ratification shall be delivered in due form on all sides, within the space of four weeks or sooner, if possible, counting from the day of signing these presents.

In witness whereof, we the underwritten being vested with full powers from their most Christian and Britannick Majesties, and the lords the States General of the United Provinces, have in their names signed this present treaty, and caused the seals of our arms to be thereto affixed. Done at the Hague, Jan. 4, 1717.

Signed by the plenipotentiaries abovenamed in the preamble to the treaty.

The separate article, signed and ratified between France and Holland.

WHEREAS in the fifth article of the treaty of alliance concluded this day between their most serene majesties, the most Christian King and the king of

Great Britain, and the high and mighty lords the States General of the United Provinces, a reciprocal guarantee was agreed upon for the execution of all the conditions mentioned in the said article, and likewise for maintaining and defending all the kingdoms, provinces, states, dominions, immunities and advantages, which each of the said allies respectively shall really be possessed of at the time of the signing of the said alliance; the underwritten ambassadors extraordinary and plenipotentiaries of his most Christian Majesty, and the deputies and plenipotentiaries of the said lords the States General, have agreed, that without any manner of derogation from the first article of the said alliance, according to which there shall be an inviolable peace, and a strict alliance between their said majesties, and the said lords the States General, their dominions and subjects, as well within Europe as out of it, the guarantee stipulated in the 5th article of the same treaty, shall not take place in regard of his most Christian Majesty and the lords the States General, but only for the dominions and possessions which they have respectively in Europe; which is also to be understood of the succours stipulated and promised mutually in the 6th article of this treaty: which succours shall also be limited within Europe, with regard to his most Christian Majesty, and the lords the States General.

The present separate article shall be of the same force as if it was inserted *verbatim* in the treaty, and shall be ratified at the same time as the treaty, and the ratifications shall also be exchanged at the same time with those of the treaty.

In witness whereof, we the underwritten, vested with the full powers of his most Christian Majesty, and the lords the States General of the United Provinces, have in their names signed the present article, and thereto caused the seals of our arms to be affixed, Done at the Hague the 4th day of January, 1717. Signed by the ministers of France and Holland mentioned in the preamble.

Convention between the most serene and most potent prince George, by the Grace of God, king of Great Britain, France, and Ireland, defender of the Faith, &c. and the most serene and most potent prince Lewis XV. the most Christian King, for proposing ultimate conditions of peace, between the emperor and the king of Spain, and between the emperor and the king of Sicily. Concluded at Paris the 18th of July, N. S. 1718. Reprinted from the copy printed by authority.

I. **T**HEY will propose forthwith and by concert to the emperor, the said plan of a treaty, as an *ultimatum*, in which they oblige themselves not to make any alteration, as also not to admit of the making of any.

II. Their Britannick and most Christian Majesties, promise and oblige themselves reciprocally, to cause to be signed, and to ratify the said treaty, according to the plan above inserted; and they will forthwith give to their plenipotentiaries the necessary orders and powers for signing it at London, without any further delay, as soon as the emperor's minister plenipotentiary shall be authorized to do it, in the name of his Imperial Majesty.

III. Until the time the said signing shall be perfected, their said majesties shall continue to employ in concert, all their most pressing offices, with the king of Spain, the king of Sicily, and every where else, where it may be proper, for causing the said treaty to be approved and accepted.

IV. The present convention shall be ratified by their Britannick and most Christian Majesties, and the letters of ratification in due form shall be delivered on both sides at London, within the space of 15 days, or sooner if possible, to be reckoned from the day of signing.

In witness whereof, we the under-written, being furnished with the full powers of their Britannick and most Christian Majesties, have in their names, signed the present convention, and have caused the seals of our arms to be affixed thereto. Done at Paris the 18th day of July, 1718.

(L. S.) *Stair.*

(L. S.) *Huxelles.*

(L. S.) *Stanhope.*

(L. S.) *L. de Clermont Cheverny.*

Con-

Convention between the most serene and most potent prince George, by the Grace of God, king of Great Britain, France, and Ireland, defender of the Faith, &c. and the most serene and most potent prince Lewis XV. the most Christian King, for settling separate and secret articles belonging to the foregoing ultimate conditions of peace. Concluded at Paris the 18th of July, N. S. 1718. Reprinted from the copy printed by authority.

SEPARATE ARTICLE. NO. 1.

WHEREAS the treaty, this day made and signed between his Imperial Majesty, his Britannick Majesty, and his most Christian Majesty, containing (as well such conditions as have been thought most equitable and proper for establishing a peace betwixt the emperor and the Catholick king, and betwixt the said emperor and the king of Sicily, as the conditions of an alliance made for preserving the publick peace between the said contracting powers) hath been communicated to the High and Mighty Lords the States General of the United Netherlands: and whereas the separate and secret articles likewise signed this day, and containing the measures which it has been thought fit to take for putting the abovesaid treaty in execution, are likewise shortly to be proposed to the States General aforesaid. The inclination which that republick has shewn for restoring and establishing the publick tranquillity leaves no room of doubt but they will most readily accede thereto. The States General aforesaid are therefore by name inserted as contracting parties in the said treaty, in most certain hope that they will enter therein, as soon as the usual forms of their government will allow.

But, if contrary to the hopes and wishes of the contracting parties (which nevertheless is not in the least to be suspected) the said lords the States General shall not take their resolution to accede to the said treaty; it is expressly agreed and covenanted between the said contracting parties, that the treaty abovementioned and this day signed, shall nevertheless have its effect among them, and shall in all its clauses and articles be put in execution in the same manner

manner as therein is set forth, and the ratifications thereof shall be exhibited at the times above specified.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London the 22d of July O. S. in the year 1718.
2d of Aug. N. S.

| | | |
|------------------------------------|----------------------------------|------------------------|
| (L. S.) <i>Chris. Penterridter</i> | (L. S.) <i>W. Cant.</i> | (L. S.) <i>Dubois.</i> |
| <i>ab' Adelshausen.</i> | (L. S.) <i>Parker C.</i> | |
| | (L. S.) <i>Sunderland P.</i> | |
| (L. S.) <i>Jo. Phil. Hoffman.</i> | (L. S.) <i>Kingston C. P. S.</i> | |
| | (L. S.) <i>Kent.</i> | |
| | (L. S.) <i>Holles Newcastle.</i> | |
| | (L. S.) <i>Bolton.</i> | |
| | (L. S.) <i>Röxburghe.</i> | |
| | (L. S.) <i>Berkeley.</i> | |
| | (L. S.) <i>J. Craggs.</i> | |

SEPARATE ARTICLE. No. 2.

BUT if the lords the States General of the United Netherlands should happen to think it too hard for them to contribute their share of pay to the Swiss Cantons, for maintaining the garrisons of Leghorne, Porto-Ferrajo, Parma, and Placentia, according to the tenor of the treaty of alliance this day concluded; it is expressly provided by this separate article, and agreed between the four contracting powers, that in such case the Catholick King may take upon him the said share of the lords the States Generals.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London the 22d of July, O. S. in the year 1718.
2d of Aug. N. S.

Signed as before.

SEPARATE ARTICLE. No. 3.

WHEREAS in the treaty of alliance this day to be signed with his Imperial and Catholick Majesty, as likewise in the conditions of peace inserted therein, their sacred royal Britannick, and most Christian Majesties, and the lords the States General of the United Netherlands, do style the present possessor of Spain and the Indies Catholick King, and the duke of Savoy king of Sicily, or also king of Sardinia: and whereas his Sacred Imperial and Catholick Majesty cannot acknowledge these two princes as kings, before they shall have acceded to this treaty: his Sacred Imperial and Catholick Majesty, by this separate article which was signed before the treaty of alliance, doth therefore declare and protest, that, by the titles there either given or omitted, he doth not mean in the least to prejudice himself, or to grant or allow the titles of king to the said two princes, only in that case when they shall have acceded to the treaty this day to be signed, and shall have agreed to the conditions of peace specified therein.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London the 22d of July O. S. in the year 1718.
2d of Aug. N. S.

Signed as before.

SEPARATE ARTICLE. No. 4.

WHEREAS some of the titles, which his Sacred Imperial Majesty makes use of, either in his full powers, or in the treaty of alliance this day to be signed with

with him, cannot be acknowledged by his Sacred Royal Most Christian Majesty; he doth declare and protest by this separate article, which was signed before the treaty of alliance, that by the said titles given in this treaty, he doth not mean to prejudice either himself or any other, or that he in the least gives any right thereby to his Imperial Majesty.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London the 22d of July, O. S. in the year 1718.
2d of Aug. N. S.

Signed as before.

N. B. The king of Sardinia acceded to this convention.

Treaty of alliance for settling the publick peace. Signed at London July 22, 1718. Reprinted from the copy, printed at Aug. 2, London, by authority. Note. This treaty is commonly called THE QUADRUPLÉ ALLIANCE.

In the name of the Most Holy and Undivided Trinity.

BE it known to all whom it doth concern, or may any way concern.

Whereas the most serene and most potent prince, George, of Great Britain, France, and Ireland, king, duke of Brunswick and Lunenburgh, elector of the holy Roman Empire, &c. and the most serene and most potent prince Lewis XV. the most Christian King, &c. as likewise the High and Mighty States General of the United Provinces of the Netherlands; being continually intent on preserving the blessing of peace, have duly considered, that however by the triple alliance concluded by them on the 4th day of January, 1717, their own kingdoms and pro-

provinces were provided for, yet that the provision was neither so general nor so solid, as that the publick tranquillity could long flourish and last, unless at the same time the jealousies which were still increasing between some of the princes of Europe as perpetual occasions of variance could be removed: and being convinced by experience from the war kindled the last year in Italy, for the timely extinguishing whereof by a treaty made the 18th day of July, N. S. in the year 1718, they agreed among themselves upon certain articles of pacification, according to which a peace might be brought about and established between his sacred Imperial Majesty and the king of Spain; as likewise between his said Imperial Majesty and the king of Sicily, and farther gave a friendly invitation to his Imperial Majesty, that out of his love for the publick peace and quiet, he would receive and approve the said articles of convention in his own name, and accordingly that he himself would accede to the treaty made by them, the tenor of which is as followeth.

Conditions of peace between his Imperial Majesty and his royal Catholick Majesty.

Art. I. For quieting the disturbances lately raised contrary to the peace of Baden, concluded the 7th day of September, 1714, as likewise to the neutrality established for Italy by the treaty of the 14th day of March, 1713, the most serene and most potent king of Spain obliges himself to restore to his Imperial Majesty, and accordingly shall immediately, or at the farthest after two months to be reckoned from the exchange of the ratifications of this present treaty, actually restore to his said Imperial Majesty the island and kingdom of Sardinia in the condition wherein he seized it, and shall renounce in favour of his Imperial Majesty all rights, pretensions, interests, and claims upon the said kingdom; so that his Imperial Majesty fully and freely, and in the manner which he judges best, out of his love to the publick good, may dispose of it as of his own property.

II. Whereas the only method which could be found out for fixing a durable balance in Europe was judged to be

be this, that it should be an established rule that the kingdoms of France and Spain should never go together, or be united in one and the same person, or in one and the same line, and that those two monarchies should henceforward for ever remain separate; and whereas for confirming this rule so necessary for the public tranquillity, those princes, to whom the prerogative of birth might have given a right of succeeding in both kingdoms, have solemnly renounced one of those two kingdoms for themselves and all their posterity; so that this separation of the two monarchies has passed into a fundamental law in the general assembly commonly called *Las Cortes*, which was received at Madrid the 9th day of November 1712, and consolidated by the treaties of Utrecht, the 11th day of April 1713, his Imperial Majesty being willing to give the utmost perfection to so necessary and wholesome a law, to take away all ground of suspicion, and to promote the publick tranquillity, doth accept and agree to those things which were done, ratified, and established in the treaty of Utrecht, with regard to the right and order of succession to the kingdoms of France and Spain, and doth renounce as well for himself, as for his heirs, descendents, and successors, male and female, all rights, and all and every pretension whatsoever, not one in the least excepted, on any kingdoms whatsoever, dominions, and provinces of the Spanish monarchy, whereof the Catholick King was acknowledged to be the rightful possessor by the treaty of Utrecht, and will cause to be made out in due form accordingly solemn acts of renunciation, which he will cause to be published and registered in the proper courts, and promises that he will exhibit the usual instruments thereupon to his Catholick Majesty and to the contracting powers.

III. By virtue of the said renunciation, which his Imperial Majesty has made out of regard to the security of all Europe; and in consideration likewise that the duke of Orleans has for himself and for his descendents renounced all his rights and claims upon the kingdom of Spain, on condition that neither the emperor, nor any of his descendents, shall ever succeed to the said kingdom; his Imperial Majesty doth acknowledge Philip V. to be lawful king of Spain and of the Indies, and doth promise to give
him

him the titles and prerogatives belonging to his dignity and his kingdoms; and moreover, he will allow him, his descendents, heirs and successors, male and female, peaceably to enjoy all those dominions of the Spanish monarchy in Europe, the Indies, and elsewhere; the possession whereof was allowed to him by the treaties of Utrecht, nor will he directly or indirectly disturb him in the said possession at any time, nor will he claim to himself any right to the said kingdoms and provinces.

IV. In return for the renunciation and acknowledgment made by his Imperial Majesty in the two foregoing articles, the Catholick King as well in his own, as in the name of his heirs, descendents, and successors, male and female, doth renounce in favour of his Imperial Majesty, his successors, heirs and descendents male and female, all rights and claims whatsoever, none in the least being excepted, upon all and every the kingdoms, provinces, and dominions, which his Imperial Majesty doth possess in Italy or the Netherlands, or may accrue to him by virtue of this present treaty; and he doth wholly abdicate all rights, kingdoms, and provinces in Italy, which heretofore belonged to the Spanish monarchy, among which the marquisat of Final yielded by his Imperial Majesty to the republick of Genoa in the year 1713, is understood to be expressly comprehended, and he will cause to be made out accordingly solemn acts of renunciation in due form, which he will cause to be published and registered in the proper courts, and promises that he will exhibit the usual instruments thereupon to his Imperial Majesty and the contracting powers. His Catholick Majesty doth in like manner renounce the right of reversion of the kingdom of Sicily to the crown of Spain, which he had reserved to himself, and all other claims and pretensions under pretext whereof he might disturb his Imperial Majesty, his heirs and successors, directly or indirectly, as well in the aforesaid kingdoms and provinces, as in all other dominions, which he actually possesses in the Netherlands or elsewhere.

V. Whereas in case the grand duke of Tuscany, or the duke of Parma and Placentia, or their successors, should die without male issue, the pretensions of succession to the dominions.

minions possessed by them might kindle a new war in Italy, on account of the different rights of succession, whereby, after the decease of the next heirs before her, the present queen of Spain born dutchess of Parma, claims the said dukedoms to herself on the one part, and the emperor and empire on the other part. To the end that the great disputes, and the evils arising from them, may be timely obviated; it is agreed that the states and dutchies at present possessed by the grand duke of Tuscany, and duke of Parma and Placentia aforesaid, shall in time to come be held and acknowledged by all the contracting powers as undoubted male fiefs of the Holy Roman Empire. His Imperial Majesty on his part doth consent by himself as head of the empire, that whenever it shall happen that the said dutchies shall lie open for want of heirs male, the first-born son of the said queen of Spain, and his descendants, being males, born in lawful matrimony; and in default of them the second born, or other the younger sons of the said queen, if any shall be born, together with their male descendants, born in lawful marriage, shall in like manner succeed to all the provinces aforesaid. To which end it being necessary that the consent of the empire be also given, his Imperial Majesty will use all his endeavours to obtain it; and having obtained it, he will cause the letters of expectative, containing the eventual investiture for the son of the said queen, or her sons, and their legitimate male descendants, to be expedited in due form; and he will cause the said letters to be delivered to the Catholick King immediately, or at least after two months from the exchange of the ratifications: without any damage nevertheless, or prejudice, to the princes who now have possession of the said dutchies, which possession is to remain entirely safe to them.

It is farther agreed, between his sacred Imperial Majesty, and the Catholick King, that the town of Leghorne may, and ought, perpetually to remain a free port, in the same manner as it now is.

By virtue of the renunciation made by the king of Spain, of all the dominions, kingdoms and provinces in Italy, which heretofore belonged to the kings of Spain, that king shall yield to the aforesaid prince his son, the

town of Porto-Longone, together with that part of the island Elba, which he actually possesses therein; and shall deliver the same up to him, as soon as that prince, on the extinction of the male posterity of the grand duke of Tuscany, shall be admitted into the actual possession of his territories.

It is moreover agreed to, and provided by solemn contract, that none of the aforesaid dutchies or dominions, at any time, or in any case, may or ought to be possessed by a prince, who at the same time holds the kingdom of Spain; and that no king of Spain can ever take upon him the guardianship of that prince, or may be allowed to exercise the same.

Lastly it is agreed, and thereto all and singular the parties contracting have equally bound themselves, that it never shall be allowed, during the lives of the present possessors of the dutchies of Tuscany and Parma, or of their male successors, that any forces of any country whatsoever, whether their own or hired, shall either by the emperor, the king of Spain and France, or even by the prince appointed, as above, to the succession, be introduced into the provinces and lands of the said dutchies; nor shall any of them place any garrison in the cities, ports, towns, or fortresses therein situated.

But that the said son of the queen of Spain, appointed by this treaty to the succession of the great duke of Tuscany and the duke of Parma and Placentia, may be more fully secured against all events, and may more certainly depend on the execution of the succession promised him: and likewise that the fief, constituted as above, may remain inviolable to the emperor and empire; it is agreed on both sides, that garrisons, not exceeding however the number of 6,000 men, which shall be put into the principal towns thereof, viz. Leghorn, Porto Ferraro, Parma, and Placentia, be taken from among the Swiss Cantons, which Cantons are for this purpose to be paid by the three contracting powers, who have taken upon them the part of mediators. And the said garrisons are therein to be continued till the case of the said succession shall happen, when they shall be obliged to deliver the towns to the said prince appointed to the succession. Nevertheless without any trouble

trouble or charge to the present possessors, and their successors be males, to whom likewise the said garrisons are to take an oath of fidelity, and are to assume to themselves no other authority than only the guard of the cities committed to their charge.

But whereas this beneficial work may be longer delayed than is convenient, before an agreement can be made with the Swiss Cantons about the number, pay, and manner of establishing such a force; his sacred royal Britannick Majesty out of his singular zeal for the said work, and the publick tranquillity, and for the earlier obtaining the end proposed, will not in the mean time refuse to lend his own forces for the use abovementioned, if the rest of the contracting powers think good, till the forces to be raised in the Swiss Cantons can take upon them the guard and custody of the said cities.

VI. His Catholick Majesty, to testify his sincere inclination for the publick tranquillity, doth consent to all things hereafter mentioned, with regard to what is settled about the kingdom of Sicily for the advantage of his Imperial Majesty, and doth renounce for himself, his heirs and successors male and female, the right of reversion of that kingdom to the crown of Spain, which he expressly reserved to himself by the instrument of cession dated the 10th of June 1713. Out of love to the publick good he moreover departs from the said act of the 10th of June 1713, as far as is necessary, as likewise from the sixth article of the treaty of Utrecht betwixt himself and his royal highness the duke of Savoy, as likewise in general from every thing that may oppose the retrocession, disposition and permutation of the above-mentioned kingdom of Sicily by this present treaty established. On condition nevertheless that the right of reversion of the island and kingdom of Sardinia to the said crown may be yielded and allowed to him, as hereafter in the second article of the conventions between his sacred Imperial Majesty and the king of Sicily is farther explained.

VII. The emperor and the Catholick King mutually promise and bind themselves to a reciprocal defence and guaranty of all the kingdoms and provinces which they
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actually possess, or the possession whereof ought to belong to them by virtue of the present treaty.

VIII. His Imperial Majesty and his royal Catholick Majesty shall immediately after exchange of the ratifications of these present conventions, put in execution all and every the conditions therein comprehended, and that within the space of two months at the farthest, and the instruments of the ratifications of the said conventions shall be exchanged at London within the space of two months, to be computed from the day of signing, or sooner if possible. Which execution of the conditions being previously performed, their ministers and plenipotentiaries, by them to be named, shall in the place of congress, which they shall agree upon, with all speed severally settle and determine the other points of their particular peace, under the mediation of the three contracting powers.

It is farther agreed, that in the treaty of peace particularly to be made between the emperor and the king of Spain, a general amnesty shall be granted to all persons of any state, dignity, degree, or sex whatsoever, whether ecclesiastical or military, political or civil, who followed the party of the one or the other prince during the late war; in virtue whereof all and singular the said persons shall be permitted to receive, and they may receive full possession and use of their goods, rights, privileges, honours, dignities, and immunities, and shall use and enjoy the same as freely as they did enjoy them at the beginning of the last war, or at the time when they begun to join themselves to the one or the other party, all confiscations, arrests, and sentences made, passed, or pronounced, during the war to the contrary notwithstanding, which shall be held as null and of no effect. In virtue moreover of the aforesaid amnesty, it shall be lawful and free for all and singular the said persons, who followed one or the other party, to return to their country, and to enjoy their goods in the same manner as if no war had happened; and a full licence is given them to take care of the said effects, either by themselves if they should be present, or by their attornies, if they should choose rather to absent themselves from their country, and they may either sell, or any other way, according to their pleasure, dispose of them entirely after

after the same manner they might have done before the beginning of the war.

Conditions of the treaty to be concluded between his Imperial Majesty and the king of Sicily.

Art. I. Whereas the cession of Sicily, by the treaties of Utrecht to the house of Savoy, being solely made for rendering that peace solid, and not on the account of any right the king of Sicily had thereto, has been so far from bringing about the end proposed, that, as all Europe can witness, it has rather proved the great obstacle which hindered the emperor from acceding to the said treaties, inasmuch as the separation of the kingdoms of Naples and Sicily, so long used to remain under the same dominion and to be called by the name of Both the Sicilies, has not only been found opposite to the common interests and mutual preservation of both kingdoms, but likewise to the repose of all Italy, being constantly productive of new commotions, while neither the ancient intercourse and mutual relation between the two nations can be destroyed, nor the interests of the different princes can be easily reconciled: for this reason it is that the princes, who first made the Utrecht treaties, have thought it lawful for them even without the consent of the parties concerned, to abrogate that one article of those treaties which regards the kingdom of Sicily, and is not any principal part of the said treaty, founding themselves chiefly upon these reasons; that the present treaty will receive its increase and completion from the emperor's renunciation; and that by the exchange of Sicily for Sardinia, the wars which threaten Italy may be prevented, inasmuch as the emperor might rightfully attack Sicily, which he never yet renounced, and which since the infraction of the neutrality of Italy by the seizure of Sardinia, he may rightfully recover by force of arms: besides that the king of Sicily may become possessed of a certain and durable dominion by the benefit of so solemn a treaty with his Imperial Majesty, and guaranteed by the chief princes of Europe. Being moved therefore by so great reasons they have agreed that the king of Sicily shall restore to his Imperial Majesty the island and

kingdom of Sicily with all its dependencies and appendages in the state wherein they now are, immediately, or in two months at the farthest from the exchange of the ratifications of the present treaty. And he shall in favour of the emperor, his heirs, and successors of both sexes, renounce all rights and pretensions whatsoever to the said kingdom, as well for himself as his heirs and successors, male and female; the reversion thereof to the crown of Spain being entirely taken away.

II. In return his Imperial Majesty shall yield to the king of Sicily the island and kingdom of Sardinia, in the same condition wherein he shall receive it from the Catholick King, and shall renounce all rights and interests in the said kingdom for himself, his heirs and successors of both sexes, in favour of the king of Sicily, his heirs and successors, that he may hereafter perpetually possess the same with a title of a kingdom, and all other honours annexed to the royal dignity in the same manner as he possessed the kingdom of Sicily; on condition nevertheless that the reversion of the said kingdom of Sardinia shall be reserved to the crown of Spain, whenever it may happen that the king of Sicily shall be without heirs male, and all the house of Savoy shall likewise be destitute of heirs male. But in the same manner altogether as the said reversion was settled and ordained for the kingdom of Sicily by the treaties of Utrecht, and by the act of cession in pursuance thereof made by the king of Spain.

III. His Imperial Majesty shall confirm to the king of Sicily all the cessions made to him by the treaty signed at Turin the 8th day of November 1703, as well of that part of the Dutchy of Montferrat, as of the provinces, cities, towns, castles, lands, places, rights, and revenues of the state of Milan, which he now doth possess, in the manner wherein he actually doth possess them; and he will stipulate for himself, his descendants, and successors, that he never will disturb him, his heirs, or successors, in the possession aforesaid: on condition nevertheless that all other claims and pretensions which he may possibly make in virtue of the said treaty shall be and remain void.

IV. His Imperial Majesty shall acknowledge the right of the king of Sicily, and his house to succeed immediately to

to the kingdom of Spain and of the Indies, in case of the failure of king Philip V. and his posterity, in manner as is settled by the renunciations of the Catholick King, the duke of Berry, and the duke of Orleans, and by the treaties of Utrecht; and his Imperial Majesty shall promise as well for himself as for his successors and descendants, that at no time he will directly or indirectly oppose, or any way act contrary to the same. It is declared nevertheless that no prince of the house of Savoy who shall succeed to the crown of Spain, may possess at the same time any Province or dominion on the continent of Italy, and that in such case those provinces shall devolve to the collateral princes of that house who shall succeed therein one after another according to the proximity of blood.

V. His Imperial Majesty and the king of Sicily shall give mutual guaranties for all the kingdoms and provinces which they actually possess in Italy, or which shall accrue to them by virtue of this present treaty.

VI. His Imperial Majesty and the king of Sicily immediately after the exchange of the ratifications of these conventions shall put in execution all and every the conditions therein contained, and that within the space of two months at the farthest: and the instruments of the ratifications of the said conventions shall be exchanged at London within two months from the day of signing, or sooner if possible. And immediately after the previous execution of the said conditions, their ministers and plenipotentiaries by them to be named shall, in the place of congress they shall agree upon, with all speed severally settle the other points of their particular peace, under the mediation of the three contracting powers.

His abovenamed Imperial and Catholick Majesty being extremely inclined to promote the peace proposed, and to avert the dreadful calamities of war, and out of his sincere desire to settle an universal pacification, hath accepted the afore-mentioned conventions, and all and singular the articles thereof, and hereby doth accept the same, and accordingly has entered into a particular treaty with the three powers abovesaid on the following conditions.

Art. I. That there be and remain between his sacred Imperial Catholick Majesty, his sacred Royal Majesty of

Great Britain, his sacred royal and most Christian Majesty, and the High and Mighty Lords the States General of the United Netherlands, and their heirs and successors, a most strict alliance, in virtue whereof each of them are bound to preserve the dominions and subjects of the others, as likewise to maintain peace, to promote mutually the interests of the others as their own, and to prevent and repel all damages and injuries whatsoever.

II. The treaties made at Utrecht and Baden shall remain in their full strength and force, and shall be a part of this treaty, those articles excepted, from which it has been judged for the publick good to depart; as likewise those articles of the Utrecht treaties excepted, which were abolished by the treaty of Baden. The treaty of alliance made at Westminster the 25th day of May 1716, between his sacred Imperial and Catholick Majesty, and his sacred Royal Majesty of Great Britain, as likewise the treaty made at the Hague the 4th day of January 1717, between the king of Great Britain and the most Christian King, and the States General of the United Provinces, shall nevertheless remain in full force in every particular.

III. His sacred Britannick Majesty, as likewise his sacred most Christian Majesty, and the lords the States General of the United Netherlands, do covenant for themselves their heirs and successors, that they never will directly or indirectly disturb his sacred Imperial and Catholick Majesty his heirs and successors, in any of his kingdoms, dominions, and provinces, which he possesses by virtue of the treaties of Utrecht and Baden, or which he shall gain possession of by virtue of this present treaty. On the contrary they both will and ought to defend and guarantee the provinces, kingdoms, and jurisdictions, which he now possesses, or which shall accrue to him in virtue of this treaty, as well in Germany as in the Netherlands and in Italy, and they promise that they will defend the said kingdoms and provinces of his Imperial and Catholick Majesty against all and singular who may attempt to invade the same in a hostile manner: and that they both will and ought, when the case happens, to furnish him with such succours as he shall need, according to the conditions and repartition, which they have agreed upon as hereafter mentioned. In like manner

manner their Royal Britannick and most Christian Majesties and the States General expressly bind themselves, that they will not at any time give or grant any protection or refuge in any part of their dominions to the subjects of his Imperial and Catholick Majesty, who actually are, or hereafter shall be by him declared rebels, and in case any such shall be found in their kingdoms, provinces, or dominions, they sincerely promise that they will take effectual care to expel them out of their territories within eight days after application made by his Imperial Majesty.

IV. On the other hand his sacred Imperial and Catholick Majesty, his sacred Royal Britannick Majesty, and the States General of the United Provinces, promise for themselves, their heirs, and successors, that they never will, directly or indirectly, disturb his sacred most Christian Majesty in any of his dominions to the crown of France now belonging. On the contrary they will and ought to guard and defend the same against all and singular who may attempt to invade them in a hostile manner, and in that case they will and ought to furnish such succours as his most Christian Majesty shall want, according as hereafter is agreed upon.

His sacred Imperial and Catholick Majesty, his sacred Royal Majesty of Great Britain, and the lords the States General, do likewise promise and oblige themselves that they will and ought to maintain, guarantee, and defend the right of succession in the kingdom of France, according to the tenor of the treaties made at Utrecht the 11th day of April 1713, obliging themselves to stand by the said succession plainly according to the form of the renunciation made by the king of Spain the 5th day of November 1712, and by a solemn act accepted in the general assembly of the states of Spain the 9th day of the month and year aforesaid, which thereupon passed into a law the 18th of March 1713, and lastly was established and settled by the treaties of Utrecht: and this they shall perform against all persons whatsoever who may presume to disturb the order of the said succession in contradiction to the previous acts, and treaties subsequent thereupon. To which end they shall furnish the succours, according to the repartition agreed on below. Farther, when the mat-

ter may require it, they shall defend the said order of succession with all their forces, by likewise declaring war against him who may attempt to infringe or impugn the same.

Moreover his Imperial Royal Catholick Majesty, and his Royal Britannick Majesty, and the States General, do likewise promise that they will not at any time give or grant any protection or refuge in their dominions to the subjects of his royal most Christian Majesty, who actually are, or hereafter shall be declared rebels; and in case any such shall be found in their kingdoms, provinces, and dominions, they shall command them to depart the same within the space of eight days after application made by the said king.

V. His sacred Imperial and Royal Catholick Majesty, as also his royal most Christian Majesty, and the States General of the United Provinces do bind themselves, their heirs, and successors, to maintain and guarantee the succession in the kingdom of Great Britain, as established by the laws of that kingdom in the house of his Britannick Majesty now reigning, as likewise to defend all the dominions and provinces possessed by his Majesty. And they shall not give or grant any protection or refuge in any part of their dominions to the person, or his descendants, if he should have any, who during the life of James II. took on him the title of Prince of Wales, and since the death of that king, assumed the royal title of King of Great Britain. Promising alike for themselves, their heirs, and successors, that they will not give to the said person or his descendants, directly or indirectly, by sea or by land, any succour, council or assistance whatsoever, either in money, arms, military stores, ships, soldiers, mariners, or any other manner whatsoever. The same they shall observe with regard to those who may be ordered or commissioned by the said person or his descendants, to disturb the government of his Britannick Majesty, or the tranquillity of his kingdom, whether by open war or clandestine conspiracies, by raising seditions and rebellions, or by exercising piracy on his Britannick Majesty's subjects. In which last case his Imperial and Royal Catholick Majesty doth promise, that he will in no wise allow that there
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be any receptacle granted to such pirates in his ports in the Netherlands. The same do his sacred most Christian Majesty and the States General of the United Provinces stipulate, with regard to the ports in their respective dominions: as on the other hand his Britannick Majesty doth promise, that he will refuse any refuge in the ports of his kingdoms to pirates infesting the subjects of his sacred Imperial and Royal Catholick Majesty, of his sacred Royal most Christian Majesty, or of the lords the States General. Lastly, his Imperial and Royal Catholick Majesty, his sacred Royal most Christian Majesty, and the lords the States General oblige themselves, that they never will give any refuge or protection in any part of their dominions to such of his Britannick Majesty's subjects as actually are, or hereafter shall be declared rebels; and in case any such shall be found in any of their kingdoms, provinces, or dominions, they shall command them, within eight days after application made by the said king, to depart out of their territories. And if it should happen that his sacred Britannick Majesty should be invaded in any part in a hostile manner, his Imperial and Royal Catholick Majesty, as likewise his Royal most Christian Majesty and the States General of the United Provinces, do oblige themselves in that case to furnish the succours hereafter specified. The same they are to do in favour of his descendants, if ever it should happen that they should be disturbed in the succession of the kingdom of Great Britain.

VI. His Imperial and Royal Catholick Majesty, and their Royal Britannick and most Christian Majesties do bind themselves, their heirs, and successors, to protect and guarantee all the dominions, jurisdictions, and provinces, which the lords the States General of the United Provinces actually possess, against all persons whatsoever who may disturb or invade them, promising to furnish them in such case with the succours hereafter mentioned. His Imperial and Royal Catholick Majesty, and their Royal Britannick and most Christian Majesties, likewise oblige themselves, that they will give no refuge or protection in any of their kingdoms to the subjects of the States General, who are, or hereafter shall be declared rebels; and if any such shall be found in any of their kingdoms, dominions,

nions, or provinces, they will take care to send them out of their dominions within the space of eight days after application made by the Republick.

VII. When it shall happen that any one of the four contracting powers shall be invaded by any other prince or state, or disturbed in the possession of their kingdoms or dominions, by the violent detention of their subjects, ships, goods, or merchandise, by sea or by land, then the three remaining powers shall, as soon as they are required thereto, use their good offices that the party suffering may have satisfaction for the damage and injury received, and that the aggressor may abstain from the prosecution of his hostility. But when these friendly offices for reconciliation and procuring satisfaction and reparation to the injured party shall have proved insufficient, in that case the high allies, within two months after application made, shall furnish the party invaded with the following succours, jointly or separately: *Viz.*

His Imperial and Royal Catholick Majesty, 8,000 foot, and 4,000 horse.

His Britannick Majesty, 8,000 foot, and 4,000 horse.

His most Christian Majesty, 8,000 foot, and 4,000 horse.

And the lords the States General, 4,000 foot, and 2,000 horse.

But if the prince or party injured, instead of soldiers chuses rather ships of war, or transports, or subsidies in money, which is left to his discretion, in that case, the ships or money desired shall be granted him in proportion to the charge of the soldiers to be furnished. And that all ambiguity with regard to the calculation and charge of such sums may be taken away, it is agreed, that 1,000 foot by the month, shall be reckoned at 10,000 florins of Holland, and 1,000 horse shall be reckoned at 30,000 florins of Holland by the month; the same proportion being observed with respect to the ships.

When the above-named succours shall be found insufficient for the necessity impending, the contracting powers shall without delay agree on contributing more ample supplies. And farther, in case of exigency, they shall assist their

their injured ally with all their forces, and declare war against the aggressor.

VIII. The princes and states upon whom the contracting powers shall unanimously agree, may accede to this treaty; and the king of Portugal by name.

This treaty shall be approved and ratified by their Imperial, Britanick, and most Christian Majesties, and by the High and Mighty Lords the States General of the United Provinces, and the instruments of ratification shall be exchanged at London, and reciprocally delivered within the space of two months, or sooner, if possible.

In witness whereof we the underwritten (being furnished with full powers, which have been mutually communicated, and the copies whereof having been in due form by us collated and examined with the originals, are word for word inserted at the end of this instrument) have subscribed this present treaty, and thereto put our seals. Done at London the 22d of July O. S. in the year 1718.
2d of Aug. N. S.

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| (L. S.) <i>Chris. Pentteridter</i> | (L. S.) <i>W. Cant.</i> | (L. S.) <i>Dubois.</i> |
| <i>ab Adelfhausen.</i> | (L. S.) <i>Parker C.</i> | |
| | (L. S.) <i>Sunderland P.</i> | |
| (L. S.) <i>Jo. Phil. Hoffman.</i> | (L. S.) <i>Kingston C. P. S.</i> | |
| | (L. S.) <i>Kent.</i> | |
| | (L. S.) <i>Holles Newcastle.</i> | |
| | (L. S.) <i>Bolton.</i> | |
| | (L. S.) <i>Roxburghe.</i> | |
| | (L. S.) <i>Berkeley.</i> | |
| | (L. S.) <i>J. Craggs.</i> | |

WE having seen and considered the above written treaty, have approved, ratified, and confirmed, as by these presents, we do for us, our heirs, and successors, approve, ratify, and confirm the same in all and singular its articles and clauses, engaging and promising upon our royal word, sincerely and faithfully to perform all and singular the contents of the said treaty, and never to suffer, as far as in us lies, any person to violate the same, or in any manner to act contrary thereunto. In witness whereof we have caused our great seal of Great Britain to be affixed to these

these presents, signed with our royal hand. Given at our palace at Kensington, the 7th day of August, in the year of our Lord 1718, and of our reign the fifth.

GEORGE.

SEPARATE and SECRET ARTICLES.

Art. I. **W**HEREAS the most serene and most potent king of Great Britain, and the most serene and most potent the most Christian King, as likewise the High and Mighty Lords the States General of the United Netherlands, by virtue of the treaty between them this day concluded and signed, have agreed on certain conditions, whereby a peace may be made between the most serene and most potent emperor of the Romans, and the most serene and most potent king of Spain, as also between his sacred Imperial Majesty aforesaid, and the king of Sicily, (whom hereafter it is thought fit to call the king of Sardinia) which conditions they have communicated to the three princes aforesaid, as a basis of the peace to be established between them. His sacred Imperial Majesty, being moved by the most weighty reasons which induced the king of Great Britain, the most Christian King, and the States General aforesaid, to take upon themselves so great and so wholesome a work, and, yielding to their circumstance and urgent counsels and persuasions, declares that he doth accept the said conditions or articles, none of them excepted, as fixed and immutable conditions, according to which he agrees to conclude a perpetual peace with the king of Spain, and the king of Sardinia.

II. But because the king of Spain and the king of Sardinia have not yet consented to the said conditions, his Imperial Majesty, as likewise their royal Britannick and most Christian Majesties, and the States General aforesaid, have agreed to allow them for consenting thereto, the space of three months, to be computed from the day of signing this present treaty, as judging this interval of time sufficient for them duly to weigh the said conditions, and finally determine and declare themselves whether they are willing to accept them as fixed and immutable conditions of their pacification with his Imperial Majesty, as from their piety and

and prudence it may be hoped they will do, and, following the example of his Imperial Majesty, that they will be induced to moderate their passions, and out of regard to humanity, that they will prefer the publick tranquillity to their own private opinions; and at the same time not only spare the effusion of their own people's blood, but avert the calamities of war from the other nations of Europe : to which end their Britannick and most Christian Majesties, and the States General of the United Netherlands, will jointly and separately contribute their most effectual offices, for inclining the said princes to such an acceptation.

III. But if, contrary to all expectation of the parties above contracting, and the wishes of all Europe; the king of Spain, and the king of Sardinia after the term of three months elapsed, should decline to accept the said conditions of pacification proposed betwixt them and his Imperial Majesty, since it is not reasonable that the tranquillity of Europe should depend upon their refusal, or private designs, their Britannick and most Christian Majesties, and the States General, do promise that they will join their forces with those of his Imperial Majesty, in order to compel them to the acceptance and execution of the aforesaid conditions. To which end they will furnish his Imperial Majesty jointly and separately with the self-same succours which they have agreed upon for their reciprocal defence by the seventh article of the treaty signed this day, unanimously consenting that the most Christian King shall, instead of soldiers contribute his quota in money. And if the succours specified in the said seventh article shall not be sufficient for compassing the end proposed, then the four contracting parties shall without delay agree of more ample succours to be furnished to his Imperial Majesty, and shall continue the same till his Imperial Majesty shall have reduced the kingdom of Sicily, and till his kingdoms and provinces in Italy shall enjoy full security. It is farther agreed, and that in express words, that if, by reason of the succours which their Britannick and most Christian Majesties, and the lords the States General shall furnish to his Imperial Majesty, by virtue, and in execution of the present treaty, the kings of Spain and Sardinia, or either of them, shall declare or wage war against any one of the said

said contractors, either by attacking them in their dominions or by violently detaining their subjects, or ships, their goods and merchandizes by sea or land, in that case the two other of the contracting powers shall immediately declare war against the said kings of Spain and Sardinia, or against him of the two kings, who shall have denounced or waged war against any one of the said contracting powers; nor shall they lay down their arms before the emperor shall be possessed of Sicily, and made secure with regard to his kingdoms and provinces in Italy, and likewise just satisfaction shall be given to him of the three contracting powers, who shall have been invaded or suffered damage by reason of the present treaty.

IV. When only one of the two kings aforesaid who have not yet consented to the conditions of peace to be made with his Imperial Majesty shall accept them, he likewise shall join himself with the four contracting powers, to compel him that shall refuse the said conditions, and shall furnish his quota of succours according to the distribution to be made thereupon.

V. If the Catholick King out of regard to the publick good, and a perswasion that an exchange of the kingdoms of Sicily and Sardinia is necessary for the maintenance of the general peace, shall agree thereto and embrace the conditions of peace to be made with the emperor as above; and on the other hand, if the king of Sardinia shall reject such an exchange, and persist in retaining Sicily; in that case the king of Spain shall restore Sardinia to the emperor, who (saving his supreme dominion over it) shall put the same into the custody of the most serene king of Great Britain, and of the lords the States General, for so long time, till Sicily being reduced, the king of Sardinia shall sign the above-mentioned conditions of a treaty with the emperor, and shall agree to accept the kingdom of Sardinia as an equivalent for the kingdom of Sicily; which being done, he shall be admitted into the possession thereof by the king of Great Britain and the States General. But if his Imperial Majesty should not be able to conquer Sicily, and reduce it under his power, in that case the king of Great Britain, and the States General shall restore to him the kingdom of Sardinia; and in the mean time his

his Imperial Majesty shall enjoy the revenues of the said kingdom, which shall exceed the charge of keeping it.

VI. But in case the king of Sardinia shall consent to the said exchange, and the king of Spain shall refuse, in this case the emperor being aided by the succours of the rest of the contractors, shall attack Sardinia, with which succours they on their part promise to furnish him; as the emperor promises on his part, that he will not lay down his arms till he shall have possessed himself of the whole kingdom of Sardinia, which immediately after such possession he shall give up to the king of Sardinia.

VII. But if both the kings of Spain and Sardinia shall oppose the exchange of Sicily and Sardinia, the emperor, together with the succours of the allies, shall in the first place attack Sicily, and having reduced it, he shall turn his arms against Sardinia with such a number of forces, besides the succours of the allies, as he shall judge necessary for both expeditions: and, having likewise reduced Sardinia, his Imperial Majesty shall commit the custody thereof to the king of Great Britain, and to the lords the States General, till the king of Sardinia shall have signed the conditions of peace to be made with the emperor, and shall consent to accept the kingdom of Sardinia as an equivalent for the kingdom of Sicily, which then is to be delivered up to him by his Britannick Majesty and the States General, and in the mean time his Imperial Majesty shall enjoy the revenues of that kingdom, which shall exceed the charge of keeping it.

VIII. In case the Catholick King and the king of Sardinia, or either of them, shall refuse to accept and execute the abovesaid conditions of peace to them proposed, and for that reason the four contracting powers should be compelled to proceed against them, or either of them, by open force; it is expressly covenanted, that the emperor (what progress soever his arms may make against the said two kings, or either of them,) shall be content, and ought to acquiesce in the advantages, by mutual consent allotted to him in the said conditions, power nevertheless being reserved to his Imperial Majesty of recovering the rights which he pretends to have over that part of the dutchy of Milan, which the king of Sardinia now possesses, either

by war, or by a treaty of peace subsequent upon such war; power being likewise reserved to the other three allies, in case such a war should be undertaken against the kings of Spain and Sardinia, to agree with his Imperial Majesty in appointing some other prince, in whose favour his Imperial Majesty may dispose of that part of the dutchy of Montferrat, now possessed by the king of Sardinia, in exclusion of the said king; and to what other prince or princes he may, with the consent of the empire, grant the letters of expectative, containing the eventual investiture of the states now possessed by the grand duke of Tuscany, and by the duke of Parma and Placentia, in exclusion of the sons of the present queen of Spain. This declaration being added, that in no time or case whatsoever, either his Imperial Majesty, or any prince of the house of Austria, who shall possess the kingdoms, dominions, and provinces of Italy, may assert or gain to himself the said dutchies of Tuscany and Parma.

IX. But if his Imperial Majesty, after his efforts by a sufficient number of forces, and the succours and other means of the allies, and by using all convenient diligence, should not be able by arms to subdue, or to establish himself in the possession of Sicily, the contracting powers do agree and declare, that his Imperial Majesty is, and shall be in that case, altogether free and discharged from every obligation, entered into by this treaty, of agreeing to make a peace with the kings of Spain and Sardinia, on the conditions abovementioned. All other the articles of this treaty nevertheless to remain good, which mutually regard his Imperial Majesty, their Britannick and most Christian Majesties, and the lords the States General of the United Netherlands.

X. However, as the security and tranquillity of Europe is the end and scope of the renunciations to be made by his Imperial Majesty, and by his Catholick Majesty, for themselves, their descendents and successors, of all pretensions to the kingdom of Spain, and the Indies on the one part; and on the kingdoms, dominions, and provinces of Italy, and the Austrian Netherlands, on the other part: the said renunciations shall be made on the one and the other part, in manner and form, as in the second and fourth articles of

of the conditions of a peace to be made between his Imperial Majesty and his Royal Catholick Majesty has been agreed. And though the Catholick King should refuse to accept the aforesaid conditions, the emperor nevertheless shall cause the instruments of his renunciation to be dispatched, the publication whereof shall however be deferred till the day of signing the peace with the Catholick King. And if the Catholick King should constantly persist in rejecting the said peace, his Imperial Majesty nevertheless, at the time when the ratifications of this treaty shall be exchanged, shall deliver to the king of Great Britain a solemn act of the said renunciations, which his Britannick Majesty, pursuant to the common agreement of the contracting powers, doth promise shall not be exhibited to the most Christian King before his Imperial Majesty shall come into the possession of Sicily. But that being obtained, then the exhibition, as well as publication of the said act of his Imperial Majesty's renunciations, shall be performed upon the first demand of the most Christian King. And those renunciations shall take place, whether the Catholick King shall sign the peace with the emperor or no; by reason that, in this last case, the guarantee of the contracting parties shall be to the emperor in lieu of that security which otherwise the renunciations of the Catholick King would have given to his Imperial Majesty for Sicily, the other states of Italy, and the provinces of the Netherlands.

XI. His Imperial Majesty doth promise that he will not attempt or enterprize any thing against the Catholick King, or the king of Sardinia, or in general, against the neutrality of Italy, in that space of three months allowed them for accepting the conditions of their peace with the emperor. But, if within the space of three months, the Catholick King, instead of accepting the said conditions, shall rather persist in the prosecuting of his hostilities against his Imperial Majesty: or if the king of Sardinia should with arms attack the provinces which the emperor possesses in Italy; in that case their Britannick and most Christian Majesties, and the lords the States General, oblige themselves instantly to furnish his Imperial Majesty for his defence, with the succours, which, in virtue of the treaty

this day signed, they have mutually agreed to lend one another for their reciprocal defence : and that jointly or separately, and without waiting the expiration of the two months otherwise prefixed in the said treaty, for the employing of friendly offices. And if the succours specified by the said treaty should not be sufficient for the end proposed, the four contracting parties shall immediately agree amongst themselves to send more powerful assistance to his Imperial Majesty.

XII. The eleven foregoing articles are to be kept secret by his Imperial Majesty, their Britannick and most Christian Majesties, and the States General, for the space of three months, from the day of the signing, unless it shall be unanimously agreed by them to shorten or prolong the said term : and though the said eleven articles be separate from the treaty of alliance, this day signed by the four contracting parties aforesaid, they shall nevertheless have the same power and force, as if they had been word for word inserted therein, since they are deemed to be an essential part thereof.

The ratifications thereof shall moreover be exchanged at the same time, as the other articles of the said treaty.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have subscribed these separate articles, and thereto have affixed our seals. Done at London the ^{22d of July, O. S.} _{2d of Aug. N. S.} in the year 1718.

Signed as before.

WE having seen and considered the separate and secret articles above-written, have approved, ratified, and confirmed, as by these presents, we do for us, our heirs and successors, approve, ratify, and confirm the same, &c.

GEORGE R.

SEPARATE ARTICLE. NO. I.

WHEREAS the treaty, this day made and signed between his Imperial Majesty, his Britannick Majesty, and his most Christian Majesty, containing (as well such

such conditions as have been thought most equitable and proper for establishing a peace betwixt the emperor and the Catholick King, and betwixt the said emperor and the king of Sicily, as the conditions of an alliance made for preserving the publick peace between the said contracting powers) hath been communicated to the high and mighty lords the States General of the United Netherlands: and whereas the separate and secret articles likewise signed this day, and containing the measures which it has been thought fit to take for putting the abovesaid treaty in execution, are likewise shortly to be proposed to the States General aforesaid. The Inclination which that republick has shewn for restoring and establishing the publick tranquillity leaves no room of doubt but they will most readily accede thereto. The States General aforesaid are therefore by name inserted as contracting parties in the said treaty, in most certain hope that they will enter therein, as soon as the usual forms of their government will allow.

But, if contrary to the hopes and wishes of the contracting parties (which nevertheless is not in the least to be suspected) the said lords the States General shall not take their resolution to accede to the said treaty; it is expressly agreed and covenanted between the said contracting parties, that the treaty abovementioned and this day signed, shall nevertheless have its effect among them, and shall in all its clauses and articles be put in execution in the same manner as therein is set forth, and the ratifications thereof shall be exhibited at the times above specified.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals. Done at London the ^{22d of July O. S.} _{2d of Aug. N. S.} in the year 1718.

Signed as before.

SEPARATE ARTICLE. No. 2.

BUT if the lords the States General of the United Netherlands should happen to think it too hard for them to contribute their share of pay to the Swiss Cantons, for maintaining the garrisons of Leghorne, Porto-Ferraio, Parma, and Placentia, according to the tenor of the treaty of alliance this day concluded; it is expressly provided by this separate article, and agreed between the four contracting powers, that in such case the Catholick King may take upon him the said share of the lords the States Generals.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the underwritten, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals.
Done at London the ^{22d of July, O. S.} in the year 1718.
_{2d of Aug. N. S.}

Signed as before,

SEPARATE ARTICLE. No. 3.

WHEREAS in the treaty of alliance this day to be signed with his Imperial and Catholick Majesty, as likewise in the conditions of peace inserted therein, their sacred royal Britannick, and most Christian Majesties, and the lords the States General of the United Netherlands, do style the present possessor of Spain and the Indies Catholick King, and the duke of Savoy king of Sicily, or also king of Sardinia: and whereas his Sacred Imperial and Catholick Majesty cannot acknowledge these two princes as kings, before they shall have acceded to this treaty: his Sacred Imperial and Catholick Majesty, by this separate article which was signed before the treaty of alliance, doth therefore declare and protest, that, by the titles there either given or omitted, he doth not mean in the least to prejudice

prejudice himself, or to grant or allow the titles of king to the said two princes, only in that case when they shall have acceded to the treaty this day to be signed, and shall have agreed to the conditions of peace specified therein.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof, we the under-written, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals.
Done at London the ^{22d of July, O. S.} ~~2d of Aug.~~ ^{N. S.} in the year 1718.

Signed as before.

SEPARATE ARTICLE. No. 4.

WHEREAS some of the titles, which his Sacred Imperial Majesty makes use of, either in his full powers, or in the treaty of alliance this day to be signed with him, cannot be acknowledged by his Sacred Royal Most Christian Majesty; he doth declare and protest by this separate article, which was signed before the treaty of alliance, that by the said titles given in this treaty, he doth not mean to prejudice either himself or any other, or that he in the least gives any right thereby to his Imperial Majesty.

This separate article shall have the same force as if it had been word for word inserted in the treaty this day concluded and signed, and shall be ratified in the same manner, and the instruments of ratification shall be delivered within the same time, with the treaty itself.

In witness whereof we the under-written, by virtue of the full powers this day mutually exhibited, have signed this separate article, and thereto have affixed our seals.
Done at London the ^{22d of July, O. S.} ~~2d of Aug.~~ ^{N. S.} in the year 1718.

Signed as before.

Ratified as before.

The whole ratified also by the emperor, and the king of France.

The act of admission and accession of the king of Sardinia, &c.

WHEREAS a certain treaty, and separate and secret articles, as likewise four other separate articles relating thereto, and all of them of the same force with the principal treaty, have been in due form concluded and signed, by the ministers plenipotentiaries of his Imperial and Catholick Majesty, of his Britannick Majesty, and of his most Christian Majesty, at London the 22d day of July last past,
2d day of Aug.
 between the contracting parties abovementioned, the tenor of all which, word for word, here followeth.

Here were inserted.

The treaty.

Separate and secret articles.

The four separate articles.

And whereas farther the then king of Sicily, whom it is now agreed to call by the name of king of Sardinia, according to the intention of the treaty and articles above inserted, has been invited to accede fully and amply to all and singular of them, and to join himself in due form to the contracting parties, as if he himself from the beginning had been one of the contractors: and whereas the said king of Sardinia, having maturely weighed the conditions particularly expressed in the treaty and articles above inserted, has not only declared himself willing to accept the same, and to approve them by his accession, but has likewise granted sufficient full powers to his ministers appointed to perfect the said work. That therefore an affair so beneficial may have the desired success, we the under-written ministers plenipotentiaries of his Imperial and Catholick Majesty, of his Britannick Majesty, and of his most Christian Majesty, in the name and by the authority of their said Majesties, have admitted, joined and associate, and by these presents do admit, join, and associate, the aforesaid king of Sardinia, into a full and total partnership of the treaty above inserted, and of all and singular the articles thereunto belonging; promising by the same authority that their aforesaid Majesties, jointly and separately,

ly, will entirely and exactly perform and fulfil to the said king of Sardinia, all and singular the conditions, cessions, contracts, guarantees, and securities, contained and set forth in the treaty and articles abovementioned; it being farther provided, that all and singular the things agreed upon by the secret articles against the said king of Sardinia, shall by this his present accession wholly cease, and be abolished.

On the other hand also, we the under-written ministers plenipotentiaries of the king of Sardinia, by virtue of the full power in due form exhibited and allowed, a copy whereof is added at the end of this instrument, do hereby testify and promise in the name of the said king, that our king and master aforesaid doth accede fully and amply to the treaty, and to all and singular the articles therein above inserted. That by this solemn accession he doth join himself, to the contracting parties aforesaid, as if he himself from the beginning had been a party contracting: and that by virtue of this act his said majesty the king of Sardinia doth mutually oblige and bind himself, both for himself, his heirs, and successors, to his Imperial and Catholick Majesty, to his Britannick Majesty, and to his most Christian Majesty, and to their heirs, and successors, jointly and separately, that he will observe, perform, and fulfil, all and singular the conditions, cessions, contracts, guarantees, and securities, in the abovementioned treaties and articles expressed and set forth, towards all of them jointly, and each of them separately, with the same faith and conscience, as if he had been a contracting party from the beginning, and had made, concluded and signed, jointly or separately, the same conditions, cessions, contracts, guarantees and securities, with his Imperial and Catholick Majesty, his Britannick Majesty, and his most Christian Majesty.

This instrument of the admission and accession of the said king of Sardinia shall be ratified by all the contracting parties, and the ratifications made out in due form shall be exchanged and mutually delivered at London within the space of two months, or sooner, if possible, to be reckoned from the day of the signing.

In witness whereof we the plenipotentiaries of the parties contracting, being on every part furnished with sufficient

cient powers, have signed these presents with our hands, and thereto have put our seals. Namely the plenipotentiaries of his Imperial and Catholick Majesty, of his Britannick Majesty, of his majesty the king of Sardinia, at London the ^{28th day of Oct.}_{8th day of Nov.} and the plenipotentiary of his most Christian Majesty at Paris, the day of November, in the year 1718.

(L. S.) *C. Provana.*

(L. S.) *C. de la Perrouse.*

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|------------------------------------|----------------------------------|
| (L. S.) <i>Chris. Penterridter</i> | (L. S.) <i>Parker C.</i> |
| <i>ab Adelshausen.</i> | (L. S.) <i>Sunderland P.</i> |
| | (L. S.) <i>Kent.</i> |
| (L. S.) <i>Jo. Phil. Hoffman.</i> | (L. S.) <i>Holles Newcastle.</i> |
| | (L. S.) <i>Bolton.</i> |
| | (L. S.) <i>Roxburghe.</i> |
| | (L. S.) <i>Stanhope.</i> |
| | (L. S.) <i>J. Craggs.</i> |

Convention between Charles VI. emperor of the Romans and Catholick king of Spain, George king of Great Britain, and the lords the States General of the United Provinces, relating to the execution of certain articles and points of the Barrier Treaty, concluded on the 15th of November, 1715. Signed at the Hague the 22d of December, 1718.

SOME of the articles of the barrier treaty, concluded on the 15th of November, 1715, between his Imperial and Catholick Majesty, his Majesty the king of Great Britain, and the lords the States General of the United Provinces, being impossible to be performed, by reason of certain difficulties that have occurred; and his majesty the king of Great Britain, and their High Mightinesses, being alike desirous to remove those difficulties by the most agreeable methods, in order to attain to the view proposed by the said treaty, and the better to establish the foundations of a solid friendship and a good understanding, to which all the parties are inclined, his Imperial and Catho-
lick

lick Majesty, his majesty the king of Great Britain, and their High Mightinesses have nominated and appointed to treat, thereof, viz. his Imperial and Catholick Majesty, the sieur Hercules Joseph Lewis Turenetti, marquis de Prie & de Pancalier, count de Mitteleburg & de Castillon, lord de St. Servolo & Castelnovo in Carniola, of Fridaw & Rabonstein in Austria, of Schiurge Belvar & St. Miclos in Hungary, a grandee of Spain, knight of the order of the annunciada, privy counsellor of his Imperial and Catholick Majesty, his minister plenipotentiary for the government of the Netherlands, and his ambassador plenipotentiary, for concluding and signing this present treaty, for the execution of the treaty of the barrier: his Britannick Majesty, William earl Cadogan, viscount of Caversham, baron of Reading and Oakley, general of the foot, colonel of the 2d regiment of foot guards, governor of the Isle of Wight, master of the wardrobe, privy counsellor, knight of the most noble and most antient order of St. Andrew, and his ambassador extraordinary and plenipotentiary to the lords the States General of the United Provinces: and their High Mightinesses, the sieurs John van Wynbergen, lord of Glinthorst, of the body of the nobles of the quarter of Veluwe, in the province of Guelderland; Wigbolt vander Does, lord of Noortwyck, of the order of the nobility of Holland and Westfriesland, high bailiff and dykegrave of Rhinland; Anthony Heinsius, counsellor pensionary, keeper of the great seal, and superintendant of the siefs of the province of Holland and Westfriesland; Adrian Velters, late Echevin, senator and pensionary of the town of Middleburg in Zealand; Gerard Godart Taats van Amerongen, canon of the chapter of St. John at Utrecht, assessor in the council of subsidies, constituting the chief member of the states of the province of Utrecht, grand huntsman of the said province, and assessor in the council of the Heemrades of the river of Leck; Dancker de Kempenaar, senator of the town of Harlingen, in Friesland; Everard Rouse, burgomaster of Deventer in Overysfel; and Eger Tamminga, lord in Zeeryp, Enum, Leerumus and Zandt, all respectively deputies in our assembly on the part of the states of Guelderland, Holland, and Westfriesland, Overyssel and Groningen, and the Om-
melands;

melands; who by virtue of their respective full powers, after having held several conferences together, have agreed as follows.

I. Whereas certain difficulties have arisen with respect to the 17th article of the said treaty of barrier, which relates to the security of the frontiers, and the extending of the limits of their High Mightinesses in Flanders, from whence inconveniencies may arise, which all the parties are desirous to prevent, it is agreed to substitute the present article in the place of the said 17th article.

His Imperial and Catholick Majesty agrees and approves, that for the future the boundaries of the States General in Flanders shall begin at the sea to the N. W. of the fort of St. Paul now demolished, which his majesty yields to them together with ten rods of land, each rod consisting of 14 feet round the ditch of the counterescarp, to the west and south sides; and a strait line shall be drawn from the dyke which is to the south of the said fort, marked by the letter A on the map which has been formed and signed by all the parties, through the Polder called Hasegras, as far as where it joins to the dyke of Crommندیке, marked B, passing along by a ditch on the west side of the said demolished dyke, and from thence to the canal called Neeuwgedhelt marked C, and from thence to the Neeuwgedhelt Dryhoeck marked D; from whence the new limits shall run along a watercourse and ditch, marked E, as far as to the line marked F, which watercourse and ditch shall remain to his majesty. From the letter F they shall be continued along the said line beyond the toll-house of his Imperial and Catholick Majesty, marked G, in an angle, where it shall enter the dyke again, and run through the little polder level with a ditch as far as the waterfall of the black sluice, and continued on the point of a redoubt or traverse, which is upon the dyke beyond the two canals of Saute and Soute, marked H, near the fort of St. Donat, which his Imperial and Catholick Majesty yields in full sovereignty and propriety to the States General, together with the sovereignty of the land situate to the north of the line, marked as above; provided that the gates of the sluices of the said Fort be, and continue taken down in time of peace, and that the proprietors be permitted to sink the

the thresholds level with that of the black sluice, and to inspect them as often as they think necessary, to the end that in time of peace the water may always have a free current to the sea.

From the said post, the new limits shall return back along the foot of the dyke, towards the polder, called the Worlds End, and from thence along the sea dyke, as it is set down in the map, as far as the antient boundaries, to the cut in the dyke which closes the creek of Lapschure, marked I; and the land on the north side of the line shall belong to their High Mightinesses in sovereignty.

From thence the old limits shall be continued as far as the Barbara Polder, at which place the new limits shall enter and begin at the foot of the dyke, running along that polder, and the Lauraine Polder, to the long street marked K; and from thence in a strait line along the said street to the dyke which goes from Bouckhoute, to the harbour of Bouckhoute, marked L; and from thence they shall enter into the Chapel Polder, and continue in a strait line to an angle of the Grafjansdyke, marked M; and from thence along the dyke, as far as the Red Polder.

His Imperial and Catholick Majesty yields to their High Mightinesses in full sovereignty the Barbary Polder, Lauraine Polder, Chapel Polder, and the Red Polder; except what is reserved by the line above drawn in the Chapel and the Laurain Polders, which shall remain to his Imperial and Catholick Majesty.

Their High Mightinesses permit the owners of the sluices of Bouckhoute to replace them where they were before, and that the said sluices may have their currents directly to the sea, as they had before the late war.

Their High Mightinesses shall be permitted in time of war, when it is necessary for the defence and security of their frontiers, to occupy and fortify the necessary posts in the Grafjansdyke and Zydlingdyke.

As to the town of Sas van Ghent, the limits shall be extended to the distance of two-thirds of two geometrical miles round the town, beginning at the angles of the bastions, which shall terminate on the side towards Zelfate,
at

at the point of their antient limits on the bank of the canal of the Sas.

And for the preservation of the lower Schelde, and for the sake of the communication between Dutch Brabant and Flanders, his Imperial and Catholick Majesty gives up to the States General the full and entire sovereignty of the village and polder of Doel, as also of the polders of St. Anne and Ketenisse; provided nevertheless, that the territory of their High Mightinesses shall not extend between the forts of the Pearl and Liefkenshoeck, farther than the midway between the two forts.

His Imperial and Catholick Majesty, as soon as the barrier shall be attacked, or a war begun, shall deliver up the guard of fort Pearl to their High Mightinesses; on condition nevertheless, that as soon as such war is at an end, they shall restore the said fort Pearl to his Imperial and Catholick Majesty, together with the posts they shall have in that time taken possession of, on the Grafjansdyke and Zydlingdyke.

Their High Mightinesses promise moreover, that if upon occasion of giving up to them some sluices (wherof the inhabitants of Austrian Flanders shall retain the free use in time of peace) they should suffer any damage or prejudice, either from the commanders or other military officers, the States General will not only remedy it immediately, but likewise make satisfaction to those concerned.

And because, from this new situation of the limits, there will be a necessity of changing the toll houses to prevent frauds, wherein his Imperial and Catholick Majesty and their High Mightinesses are equally interested; other places for establishing the said toll-houses shall be agreed on, as well as the farther precautions that it shall be thought convenient to take.

It shall moreover be stipulated, that a just valuation shall be made, in three months time, of the revenues which the sovereign receives from the lands that shall be yielded up to their Highnesses by this article; as also what have arisen to the sovereign by the renewing of the grants on the foot they have been agreed to for thirty years past, to be deducted and struck off from the annual subsidy of 500,000 crowns; but the payment of the said subsidy shall not be retarded

tarded by reason of the said valuation: which lands shall not be charged with any taxes more than what they now contribute in the publick assessments, according to the rate they are valued at.

The Roman Catholick Religion shall be preserved and maintained in the places abovementioned, in the same manner and with the same freedom of publick exercise as now; and to the same extent as this freedom was stipulated by the 18th article of the barrier treaty.

The proprietors of the lands and other estates situate within the limits of the said cession, shall retain the enjoyment of the same, in full possession and propriety, with all the prerogatives and rights thereto annexed, none reserved nor excepted; and shall moreover be continued particular lords of the said lands and estates, and maintained in the peaceful propriety and possession of the jurisdictions appertaining to them, in all the degrees of high, mean, and low jurisdiction, as they have enjoyed the same hitherto.

The fort of Rodenhuyfen shall be demolished, and the disputes touching the canal of Bruges shall be referred to the decision of neutral arbitrators, to be chosen on both sides; provided nevertheless, that by given up of the fort of St. Donat, those of the town of Sluys shall not have more right upon that canal than they had before this cession.

In consequence of the cessions included in this article, their High Mightinesses desist their pretensions to all other lands and places which were yielded to them by the 17th article of the barrier treaty, which shall remain as they did before under the dominion of his Imperial and Catholick Majesty.

II. Whereas his Imperial and Catholick Majesty promised by the 19th article of the barrier treaty, to cause to be paid to the States General the sum of 500,000 crowns a year, amounting to 1,250,000 florins of Holland, at the terms specified by the said treaty, in consideration of the great charges and extraordinary expences, to which the lords the States General are indispensibly obliged, as well for maintaining the great number of troops, which they are obliged by the said treaty to keep in the towns and places of the said barrier, as for supporting the great charge absolutely necessary for the maintenance and reparation of the

the fortifications of the said places, and for supplying them with ammunition and provisions.

And his majesty desires that his promise may be punctually executed according to the tenor of the said 19th article having for that end shewn their High Mightinesses the difficulties and inconveniencies that might arise in the performance of the said article, as also of the separate article of the said treaty, with regard to the assignments made upon the subsidies of the provinces of Brabant and Flanders, and the quarters, districts and chatellanies therein mentioned, for the sum of 640,000 florins of Holland.

His Imperial and Catholick Majesty and the lords the States General have agreed upon another repartition, and upon another special mortgage, which shall be substituted in the place of the said mortgages and assignments, upon the subsidies of the provinces of Brabant and Flanders, over and above the general mortgage upon all the revenues of the Austrian Netherlands stipulated by the said treaty.

Namely, that his Imperial and Catholick Majesty, for the better securing and facilitating the payment of the said subsidy of 500,000 crowns, or 1,250,000 florins Dutch money per annum, assigns a sum of 700,000 florins, or 280,000 crowns, in lieu of the sum of 610,000 florins assessed upon the countries, cities, chatellanies, and dependencies, made over again by France, the revenues of which consists in the aids and subsidies payable by the said towns and chatellanies, in the duties of the four members of Flanders, and other duties of domains, in that called the four Patars par Bonnier, and other taxes for the fortifications, the ransom of those called *Contines Militaires*, and in the emoluments, and other gratuities, which were paid at the time that the said towns and chatellanies were in the power of France, to the intendants, governors, and other officers on the establishment in the places: and that he does this for all the duties and imposts in general, which their High Mightinesses have enjoyed hitherto in whole or in part, without any exception whatsoever.

On condition that no diminution or alteration be made in them to the prejudice of the said mortgage.

The

The awarding of the farm of the said duties of the four members of Flanders shall be made in publick to the highest bidders; provided nevertheless, that in case of insolvency of the farmers and their securities, his Imperial and Catholick Majesty shall make good the deficiency out of the other branches and revenues of the towns, and châtellanies abovementioned, or out of his demesnes in the other Austrian Netherlands, as far as amounts to the sum of 700,000 florins a year.

And when any abatement is solicited, by which the revenues of the said farm, or of the aids and other duties and imposts above specified, may not be sufficient to produce the entire sum of 700,000 florins, it shall not be granted till provision be made for the said abatement in some other sufficient way to their satisfaction.

His Imperial and Catholick Majesty assigns and makes over the remaining 550,000 florins of Holland, or 220,000 crowns, upon all the revenues of the tolls above mentioned, arising from the duties of importation and exportation paid in the Austrian Netherlands, which are only engaged by way of subsidy to their High Migh-
tinesses for their levies of money on several occasions, or for annuities in the country, and the like certain charges.

Namely, the toll-houses of Brussels, Burgherout, Tirlemont, Charleroy, Mons, Aeth, Beaumont, Courtray, Ypres, Tournay, Newport, of the province of Luxemburg, and that of Mechlin, shall generally and severally be mortgaged for the said sum of 550,000 florins.

And for the better securing the payment of the said sum his majesty engages, by the way of a subsidiary and supplemental fund, the sum of 250,000 Dutch florins per annum, out of the first and clearest revenue from the duties of import and export of Ghent, Bruges, and Ostend; promising that they shall be entirely paid in five years, out of what remains in arrear of the principal and interest of 1,040,600 florins, which were raised upon those three toll-houses in 1710.

His majesty likewise promises that no alteration shall be made in the duties of import and export, which may

lessen the revenue thereof to the prejudice of the mortgage.

And if his majesty in process of time judges it necessary to make any alteration in the levy of the said duties, by which they may happen to be diminished, such alteration shall not be established till a sufficient fund is appropriated to make good such deficiency.

His Imperial and Catholick Majesty doth by this convention command the receiver general of his majesty's finances, and him that shall be established to preside in chief in the countries made over again, that by virtue of these presents, and according to a copy hereof, they pay every three months, computing from the first of this instant December 1718, to the receiver general of the States General in those countries that are made over again, in such coin, or such money as is received at the toll-houses and at his majesty's general receiving office, an exact quarter part of the sum of 280,000 crowns, or 700,000 Dutch florins; and to the receiver general of his majesty's finances in the city of Antwerp, to pay also an exact fourth part of the remaining sum of 550,000 florins, or 220,000 crowns, without staying for any other order or assignment; these presents being to serve instead of an order or assignment, both now and hereafter: and the said payments shall be allowed them in their account with his Imperial and Catholick Majesty, as much as if they had made them to himself.

As for the arrears of the said subsidy of 500,000 crowns, or 1,250,000 florins of Holland, per annum, that have accrued from the 15th of November 1715, the day on which the barrier treaty was signed, on the last day of November last, it is agreed, for avoiding all manner of dispute touching the produce in that time, of the revenues of the towns and chatellanies made over again by France, which have not amounted to above 300,000 crowns per annum, all charges deducted, as their High Mightinesses have shewn by estimates thereof, which they have caused to be drawn up and communicated, and which have been examined by one of the commissioners of his Imperial and Catholick Majesty's finances, and also for putting an end to the disputes that have arisen on account of the non-performance
of

of certain articles of the said treaty, with regard to the pay of the said arrears from the 15th of November 1715, to the first of January 1718, which on the part of the States are cast up at above 400,000 crowns; their High Mightinesses will be content to take for all those arrears, from the 15th of November 1715, to the said first of January 1718, 200,000 crowns or 500,000 florins of Holland, payable by 20,000 crowns a year, till the sum total is discharged; provided that the intire subsidy be paid to them from the beginning of the present year, in manner following.

Namely, that the arrears of the first eight months of the present year, amounting to the sum of 333,333 florins, six sous, eight deniers of Holland money, shall be paid in the same manner by 20,000 crowns a year in part of payment, as is aforesaid, immediately after the payment of the said arrears of the preceding years.

For securing the payment of both the one and the other, his Imperial and Catholick Majesty engages, and makes over by way of special mortgage, the duties of import and export of the toll-houses of Ghent, Bruges, and Ostend, over and above, and without prejudice to the subsidiary engagement of the said toll-houses for the sum of 250,000 Dutch florins a year, stipulated by the present convention.

For the greater security whereof, the administrators general of the duties of import and export, shall, by the bond which they give for the yearly payment of 550,000 Dutch florins, during the six years of their administration, charge themselves with the payment of the six first portions or terms of the said arrears; and after the expiration of the term of their contract, or receipt, the rest shall be paid by quarter parts by the new administrators, or by those who shall then have the regio and receipt of the said duties, at Ghent, Bruges, and Ostend, after the manner and under the engagements stipulated for securing the payment of the 550,000 florins.

The surplus, or the three months remaining of the arrears of the present year, amounting to the sum of 125,000 Dutch florins, shall be paid in 1720; his Imperial and Catholick Majesty particularly appropriating for the payment thereof,

thereof, the revenue of the towns and chatellanies made over again by France, over and above, and without prejudice to the appropriation of the 700,000 florins a year, made by this convention.

Their High Mightinesses shall enjoy the revenues of the countries made over again to the last day of last November, and shall be at liberty to proceed by way of execution for the recovery of the arrears of the revenues of the said towns and chatellanies, that are and may become due to the last day of last November; and for this purpose to make use of the same methods of execution against the States (the ecclesiasticks excepted) magistrates, towns and chatellanies, farmers and others, as they have stipulated for the recovery of the 700,000 florins a year, assigned upon the said revenues, and may also make use of the same method with regard to the 125,000 florins which are made over to them, conformably to the foregoing article.

And whereas his said majesty has put his duties of import and export into administration and direction, and bound the administrators general or directors of the said duties, to pay a fixed sum yearly for the improvement of his majesty's finances; the administrators general or directors of the said duties, shall enter into an obligation, under a voluntary condemnation, which shall be decreed by the grand council of Mechlin, and by those of Brabant and Flanders, to pay every three months during the time of their administration the said fourth part of the sum of 550,000 florins of Holland, to the receiver general of the United Provinces, or his order, as is said: and the present article shall suffice for the discharge of the said administrators or directors, with the acquittance of the said receiver general of the United Provinces.

The said administrators general, or directors, shall oblige themselves by the same act, to pay off, by equal payments in five years, what remains to be paid to the States-General of the said 1,040,625 florins, raised in 1750 upon the toll-houses of Ghent, Bruges, and Ostend, with the interests that shall accrue every year; to the end, that when the five years are expired, the said toll-houses may be entirely discharged from the said levy.

And

And on the failure of the payment, after the manner above stipulated, as well of the sums of the subsidy of 500,000 crowns, or 1,250,000 Dutch florins, as of the said money raised upon the toll houses, the lords the States General may proceed to methods of compulsion and execution, even by way of violence, against the receiver general of his majesty's finances, and against the receiver of the countries yielded back again, who shall be both responsible and liable to an execution, for the particular and subaltern receivers of the funds assigned to their respective provinces; if either the receivers general, or the others, divert any part of their general or particular receipt to the prejudice of what is contained in the present convention: provided however, that this article shall not take place against the receiver general of the finances, but in case of the management of the duties of import and export.

His majesty grants the same power to bring an execution as well against the toll-houses, engaged previously by special mortgage, as against the toll-houses engaged subsidiarily on failure of the former, and against the funds of the said country made over again, as also against the States, except the ecclesiasticks, and against the magistrates of the towns and chatellanies of the said country yielded back again, if they make any scruple or too long delays in assessing and furnishing the imposts, which they are obliged to raise for his Imperial and Catholick Majesty.

And this execution against the said States, excepting the clergy, and against the said magistrates, shall be made in the name, and on the part of his majesty, and in the usual manner; his majesty for this end authorizing the governors of the barrier towns who have taken an oath to him, and subjecting the said States thereto, (except the clergy) and the said magistrates by virtue of the present convention, as well as the said funds, as those were subjected to it which were specially mortgaged and assigned for the respective sums of the said subsidy, by the 19th article, and the separate article of the barrier treaty.

The officers of justice, to whom it shall appertain shall be obliged to give the necessary assistance of their office, when those who bring the writs that shall be ordered and issued in favour of their High Mightinesses, against the

administrators of his majesty's duties of import and export, as well as against their associates, shall have recourse to them, in order to proceed to the execution of the said writs, according to the received usage of the tribunals from whence they are dispatched; in the same manner as they are used to execute the sentences which the natives and other inhabitants of the Austrian Netherlands obtain there. And as to the States of the Netherlands yielded back again, (the ecclesiasticks excepted) magistrates, toll-houses and funds, execution may be issued against them in the manner as is agreed by the barrier treaty.

And finally, besides the order which shall be given by his majesty to the governor general of the Austrian Netherlands, the present convention shall serve instead of a special and irrevocable order and instruction, for him and his future successors, in pursuance of which they shall perform and cause to be performed what is stipulated by the present convention; and are expressly forbid not to divert, or suffer to be diverted by the council of state and the finances, by the director general of the finances, or by any other person whatsoever, any sum of the revenues abovementioned of the said towns and chatellanies, nor of the said administration, management and receipt of the duties of import and export, for any occasion whatsoever, though never so material and urgent, unless of what shall remain after the payment of the said quarters; which payment shall not be retarded, much less refused under colour of compensations, liquidations, or other pretences of what name or nature soever they be: in consequence of which, their High Mightinesses the States General renounce, and entirely give up, by virtue of the present convention, every action and mortgage which had been stipulated by the 19th article of the barrier treaty, and its separate article, against the provinces of Brabant and Flanders, their jurisdictions, chatellanies, the seven quarters of Antwerp, and against the states and receivers of the said provinces.

III. The arrears due of the interest of the sums raised upon the revenue of the posts in the Austrian Netherlands being very considerable, his Imperial and Catholick Majesty promises and engages to remedy it, by causing
entire

entire payment to be made both of the interest and principal as soon as possible ; and till this is performed, his Imperial and Catholick Majesty will give very strict orders that the revenue of the posts may be employed conformably to the bonds, and that no part of it be diverted to the prejudice of their contents.

IV. The Lords the States General having made considerable advances towards paying off the interest of the monies levied as specified in the barrier treaty, it has been agreed and concluded, that the sum of 705,011 florins, 18 fous and 10 deniers, which his Catholick Majesty owes to their High Mightinesses, according to the liquidation settled on this day the 22d of December 1718, shall be paid off by equal portions of 20,000 crowns or 50,000 Dutch florins a year, to commence immediately after the six years of the present general administration of the duties of import and export ; his Imperial and Catholick Majesty engaging the said duties in Flanders as they are now raised, and as they shall continue to be raised after the end of the said general administration, for paying off the said sum of 705,011 florins, 18 fous and 10 deniers, by way of special mortgage : and till the same is effectually paid off, he shall cause interest to be paid for the said sum, or that part of it which shall remain unpaid, at the rate of two and a half per cent. per annum.

In order to facilitate the payment of the said interest of two and a half per cent. per annum, their High Mightinesses consent that it be computed by the double canon of 800,000 florins per annum, raised upon the revenues of the province of Namur, and subsidiarily upon those of the mayoralty and province of Luxemburg ; on condition that the said double canon be continued proportionably to the time that the reimbursement of the said 800,000 florins shall be retarded by the said diminution.

V. To put an end to the differences touching the artillery and the magazines of war, and particularly concerning the propriety of those of Venlo, St. Michael and Stevenfwaert, places yielded to the States General by the treaty of barrier, his Imperial and Catholick Majesty gives up all claim to the said artillery and magazines, on condition that their High Mightinesses recede, as they do

by the present convention, from the demand of the money due to them, in pursuance of the act passed at Antwerp the 30th of January 1716, by the count de Konigsegg, plenipotentiary of his Imperial and Catholick Majesty took for the powder, ball, and other ammunition, which the commissioners of his Imperial and Catholick Majesty took for his accompt, agreeable to the said act, and to lists signed by the said commissioners, which amount in value to above 100,000 florins: but his Imperial and Catholick Majesty makes no claim on account of the powder and ammunition belonging to France, which was found at the reduction of Antwerp, Mechlin, Ghent, and other places of the Austrian Netherlands,

VI. The States General immediately after the exchange of the ratifications of the present convention, shall remit to his Imperial and Catholick Majesty the possession and enjoyment of all the towns, chatellanies, districts and jurisdictions made over again by France, according to the tenor of the first article of the barrier treaty. And his Imperial and Catholick Majesty shall likewise remit to their High Mightinesses, immediately after the exchange of the said ratifications, the possession of the land and pollders which he has yielded to them in Flanders by the first article of this convention.

VII. The barrier treaty, and its separate article of the 15th of November 1715, shall be confirmed by these presents, in all and every of its articles.

VIII. Forasmuch as for the greater security and better performance of the barrier treaty, his Britannick Majesty has confirmed and guaranteed the said treaty, so his said majesty doth promise and engage to confirm and guarantee the present convention, as he doth confirm and guarantee it by this article.

IX. The present treaty shall be ratified and approved by his Imperial and Catholick Majesty, by his Britannick Majesty, and by the Lords the States General of the United Provinces, and the ratifications shall be exchanged in six weeks, or sooner if possible, after the day of its being signed.

In witness whereof, we the ambassadors and plenipotentiaries of his Imperial and Catholick Majesty, and of his

His Britannick Majesty, and the deputies and plenipotentiaries of the Lords the States General, by virtue of our respective powers, have in their names signed these presents, and thereto set the seals of our arms. Done at the Hague, the 22d of December, 1718.

(L. S.) *The M de Pris.*

(L. S.) *Cadogan.*

(L. S.) *J. B. v. Wynbergen.*

(L. S.) *W. Vandon Boes.*

(L. S.) *A. Heinsius.*

(L. S.) *G. G. Taets van Amerongen.*

(L. S.) *D. D. Kempenaer.*

(L. S.) *Everard Rouse.*

(L. S.) *E. Tamminga.*

Treaty of peace betwixt George King of Great Britain as Elector and Duke of Brunfwick, and Ulrica Eleonora, Queen of Sweden; by which, in pursuance of the preliminary treaty, concluded July $\frac{11}{12}$ 1719, the Duchies of Bremen and Verden are yielded to the said King as Elector and Duke of Brunfwick, with the same prerogatives and titles as the crown of Sweden possessed them, by the peace of Westphalia.

PARTICULARLY,

Including therein, the right of voice and session in the diets of the empire, the directorship in the circle of Lower Saxony, and the rights to the cathedral Chapter of Hamburg, and that of Bremen; as also the propriety of the town of Wilhausen, with its Bailiwick, held heretofore by the Duke of Brunfwick as a pledge. In exchange whereof, the King, Elector, and Duke, promiseth her Swedish Majesty, to cause a million of crowns in money of Leipstick, to be paid to her at three terms, to maintain the subjects and inhabitants in all their rights, liberties, and privileges, as well with regard to religion, as in other respects, and to procure favourable justice to be done according to the promises of the late
King

King Charles XII. to those who shall appear to have been aggrieved in the great and general reduction, which was made heretofore, The King also promiseth, strictly to maintain all former treaties made with the crown of Sweden, including therein the guaranties in favour of the House of Holstein Gottorp, and likewise to renew them at this time, in conformity to the present union. Concluded at Stockholm, the 20th of November 1719.

In the name of the Holy Trinity.

BE it known by these presents: whereas the troubles of the North, which began without the holy Roman empire, did likewise in course of time infest some of the provinces depending on the said empire, and afterwards penetrated as far as the circle of Lower Saxony, which was the reason that the most illustrious and most potent prince and lord, George king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and elector of the holy Roman empire, as duke and elector of Brunswick and Lunenburg, was involved in the war; the most illustrious and most potent princess Ulrica Eleonora, queen of Sweden, the Goths and Vandals, great duchess of Finland, duchess of Schonen, Esthonia, Livonia, Carelia, Bremen, Verden, Stetin, Pomerania, Cassubia and Vandalia, princess of Rugen, lady of Ingria and Wismar, countess palatine of the Rhine and Bavaria, duchess of Juliers, Cleves, and Berg, Landgravine and hereditary princess of Hesse, princess of Hirschfeld, countess of Catzenellebogen, Dietz, Ziegenhain, Nidda, and Schaumbourg, &c. and his said Britannick Majesty have with a Christian and laudable intention, considered by what measures they might not only prevent greater misfortunes, and the ruin of countries and nations being occasioned by such a war, but chiefly to restore peace and tranquillity betwixt their said majesties, and to establish and renew the good harmony and mutual understanding between the two parties. For this end the most illustrious and most potent prince and lord Lewis XV. the most Christian King of France and Navarre, employed his good offices and mediation by the noble lord James
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de Campredon, his minister residing at the Swedish Court; and a preliminary treaty of peace was actually agreed on between their said majesties, which was concluded at Stockholm the $\frac{11}{12}$ of July last, in which it was stipulated that peace should be formally concluded betwixt them on the foot of the said treaty, and that a solemn instrument should be drawn up for that purpose. For the advancing and perfecting a work so desirable and salutary, the plenipotentiary ministers on both sides being vested with sufficient full powers, have in the name of God entered into a conference, viz. on the part of her Swedish Majesty, the count Gustavus Cronhielm, senator of her majesty and the kingdom, president of the royal chancery, and chancellor of the academy at Upsal; the count Charles Gustavus Ducker, senator of her majesty and the kingdom, velt marshal and counsellor of war; the count Gustavus Adam Taube, senator of her majesty and the kingdom, and governor of Stockholm; the count Magnus de la Gardie, senator of her majesty and the kingdom, and president of the college of commerce; and the baron Daniel Nicholas de Hopken, secretary of state to her Swedish Majesty; and on the part of his Britannick Majesty, as duke and elector of Brunswick and Lunenburg, his plenipotentiary, minister and colonel, Adolphus Frederick de Bassewitz; who have agreed to the following articles.

I. A lasting and sincere peace and friendship shall be established and confirmed by these presents, between his Swedish Majesty and the kingdom of Sweden on the one part, and his Britannick Majesty as duke and elector of Brunswick Lunenburg, and his ducal and electoral house on the other part; and both shall sincerely and constantly do every thing in their power for strengthening the bands of union and confidence between them, as much as possible; and all hostilities and warlike proceedings of the one part against the other shall entirely cease from this time.

II. There shall also be on both sides, a perpetual oblivion and amnesty of whatever the one has committed hostilely against the other, of what nature soever the action was, in such manner that nothing done by either party, or by their subjects, shall be corrected or revenged, but every thing

thing shall by these presents be abolished, and for ever buried in oblivion.

III. As her Swedish Majesty, by virtue of the preliminary treaty of peace concluded July $\frac{1}{2}$ 1719, with his Britannick Majesty, as duke and elector of Brunswick and Lunenburg, did then yield, so she does by virtue of these presents again yield for herself, the kingdom of Sweden, and her successors and descendents, to his Britannick Majesty, as duke and elector of Brunswick and Lunenburg, and his successors for ever, the duchies of Bremen and Verden, pleno jure, with all their rights and dependencies, in the same manner as those duchies were among others appropriated, according to the Xth article of the treaty of peace at Osnaburg, dated the $\frac{1}{2}$ October 1648, and as the kings and kingdom of Sweden have since that time possessed, do now possess, or ought to have possessed the said duchies, with their rights, appendages and appurtenances, without any exception; and principally the *jus pignoris* of the bailywick and town of Vilshausen, with all its rights and dependencies, which was formerly in the hands of the elector of Brunswick; in such manner however, that no demand shall be formed upon her majesty or the kingdom of Sweden for any engagements with which the same are, or may be incumbered, either now or hereafter: giving up the whole together, and every particular thereof now and for ever, with the same prerogatives as her Swedish Majesty and her predecessors in the government, as well as the kingdom of Sweden, had possessed them, without any diminution or reservation; as also without exception of any rights, intestine or foreign, to keep and possess them in propriety, without any dispute, hindrance or interruption on the part of her Swedish Majesty, or her successors; yielding up, and renouncing by these presents in favour of his said Britannick Majesty, as duke and elector of Brunswick and Lunenburg, and his heirs for ever, all the rights she hath, or ever had, or ought either one way or another to claim, to the duchies of Bremen and Verden, in general and particular, both as to the directorship in the circle of Lower Saxony, a session and vote in the diets of the empire and the circles, or any thing else, by what name soever called, resigning in the same

same manner by these presents, to the subjects and inhabitants of the said dutchies, all their oaths and obligations by which they were bound to her majesty and the kingdom of Sweden, and transferring them by the same to his majesty of Great Britain, as duke and elector of Brunswick and Lunenburg, and to his heirs, as their present sole and perpetual sovereign lord; and in like manner the chapter of Hamburg and that of Bremen, together with the persons appertaining to the latter, subjects, tenants in fief, farmers and tributaries, as well in the town of Bremen, as those who live in what are called the four Gohen of Bremen, and all other places which are there, shall be by virtue of these presents freed from their said oaths and engagements taken to the crown and kingdom of Sweden, and made over to his Britannick Majesty, as duke and elector of Brunswick and Lunenburg, and his heirs.

Her Swedish Majesty, for herself and her successors, does, by virtue of these presents, again renounce the *jura feudi* which she and her predecessors had, on account of the duchies of Bremen and Verden, acquired of the emperors and the holy empire, and hitherto enjoyed; and transfers the said *jura feudi* in like manner to his Britannick Majesty and his heirs.

And the archives and documents which relate to the duchies of Bremen and Verden, shall bona fide, with all the speed possible, be put into the hands of persons named and authorised by his Britannick Majesty, to receive them.

IV. His Britannick Majesty, as duke and elector of Brunswick and Lunenburg, does as well for himself as his heirs, promise and engage on his part to the states, subjects, and all the inhabitants of the country, both in the towns of the said duchies of Bremen and Verden, and all places that do or may depend thereon, no person excepted, and consequently to every one of them, to maintain and defend their justly acquired liberties, estates, rights and privileges, in general and particular, in the same manner as the said states, subjects and inhabitants enjoyed and possessed them, and as they were granted to them by the peace of Westphalia, as well as the free exercise of the two religions; according to the Augsburg confession, as to which
they

they shall at all times be left to their free choice, without molestation.

And in case that either the one or the other is not yet actually confirmed in the expectatives of certain prebends of the chapter of Hamburg, granted by the former kings of Sweden, or bought of others, such expectatives, according to their rights and origin, shall remain entire; in such manner nevertheless, that for the future, when a vacancy happens, no body shall be preferred to those who are the bearers of them.

V. The reduction and liquidation established every where by the preceding government of Sweden, having given occasion to many grievances of the subjects and inhabitants, the late king of Sweden of glorious memory, in justice to the cause, was determined to give a security by letters patent, that in case any of the subjects could prove, that any estate justly belonging to them had been taken from them, their right should be preserved; in consequence of which several were restored to the possession of their estates formerly disputed, or sequestered by virtue of the said reduction, or any other pretext; which right has been again confirmed to them since, by their last assembly of the 30th of May last.

It is therefore agreed and stipulated by these presents, between the two contracting sovereigns, that the cession made of the duchies of Bremen and Verden, by the aforesaid third article of the present treaty, shall not prejudice the rights and just pretensions of the subjects and inhabitants of the said duchies, or their heirs, living intra vel extra territorium; but the same shall be maintained by his Britannick Majesty, as elector of Brunswick and Lunenburg, to all intents and purposes in the same manner as they are now by her Swedish Majesty, and as they may be certified now or hereafter.

VI. In like manner, pursuant to what is stipulated by the second article concerning the amnesty, the estates, houses and properties of any persons whatsoever, who had been put under arrest by reason of the war, shall be restored and returned to the lawful proprietors, whether they live intra vel extra territorium.

VII.

VII. Nevertheless, all negotiations actually made in the said duchies, and during the Swedish regency, publico nomine, till the said duchies were invaded by his Danish Majesty, by reason of debts and farms which were levied and carried into the royal chest, and the sums put into it by the said regency, shall remain in full force, in such manner that the creditors, and those who have legal bonds in consequence of their loans of money, and mortgages truly surrendered, shall enjoy the contracts which they have in their hands, and the engagements included therein, till by virtue of their contracts they are quite expired; and their monies advanced are all paid; at which time the estates, and houses situate or belonging in and to the said duchies, so engaged to the said creditors, shall become the property of his Britannick Majesty, as duke and elector of Brunswick and Lunenburg and his successors, and shall be incorporated in his chamber. But the states shall be obliged to pay every thing negotiated upon the bonds and security of the said states.

VIII. His Britannick Majesty promiseth by these presents, not only as king, but also as duke and elector of Brunswick and Lunenburg, to renew from henceforth with her majesty, and the kingdom of Sweden, the strict alliances and treaties of friendship heretofore established with the predecessors of her majesty and the kingdom of Sweden, as well as the guaranties, which by virtue of the treaty of peace concluded between the allies of the North, or by that which may be concluded hereafter, shall be applied to the advantage of the ducal house of Holstein Gottorp, and to regulate the same according to the present juncture of affairs.

Moreover, his Britannick Majesty, as duke and elector of Brunswick, engages to pay at Hamburg to her Swedish Majesty the sum of a million of rix dollars, in new and valid pieces of single and double marks or drittels, according to the allay of Leipzig in the year 1650, of which each fine mark of silver was worth 12 current dollars. And it is settled, that one third of the said sum, viz. 333.333 $\frac{1}{3}$ rixdollars, shall be paid at Hamburg to her Swedish Majesty upon her receipts, before the signing of this instrument of peace, which shall accordingly remain
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in force; and the rest of the said million of rixdollars shall be paid speedily, and without fail at Hamburgh all at once, upon proper assignments and acquittances, in five or six weeks time after the exchange of the ratifications of this treaty of peace.

IX. The treaty of Westphalia, except where it is altered by this treaty, or otherwise where it may be altered by treaties that may be concluded in the North, shall remain in its full force and efficacy; and the two contracting sovereigns engage themselves severally to do every thing that shall be judged necessary for the observation of the said treaty of Westphalia.

X. The two contracting sovereigns reserve to themselves by this article to demand and accept his Imperial Majesty's guarantee for this treaty, and that of other powers, according to the circumstance of affairs.

XI. The ratifications of this peace shall be dispatched in two months time at farthest, and exchanged one with the other here at Stockholm.

XII. In witness of the above, two copies, both of one and the same tenor, have been made, which have been signed and sealed by the plenipotentiaries of the two contracting sovereigns, of which one has been given to each party. Done at Stockholm, the 20th of November, 1719.

Signed,

(L. S.) *Gustavus Chronhielm.*

(L. S.) *Charles Gustavus Ducker.*

(L. S.) *Gustavus Adam Taube.*

(L. S.) *M. de la Garde.*

(L. S.) *D. N. van Hopken.*

(L. S.) *Adolphus Frederick van Bassewitz.*

Treaty

Treaty between Ulrica Eleonora Queen of Sweden, and George King of Great Britain, for 18 years, concluded by the mediation of the most Christian King; by which the parties agree to assist one another mutually, in every case of necessity, on the basis of former treaties, which are hereby reassumed. And the King promises the Queen to assist her as soon as possible with subsidies and soldiers, in the present war against the Czar of Muscovy, and to continue such assistance till a peace is restored; and the Queen binds herself and her kingdoms to the perpetual guarantee of the succession of the crown of Great Britain, in the family of Brunswick Lunenburg. Made the 21st of January, 1720.

WHEREAS the most serene and most potent princess and lady, Ulrica Eleonora, queen of the Swedes, Goths and Vandals, &c. &c. &c. and the most serene and most potent prince and lord, George king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and elector of the holy Roman empire, for the better asserting and confirming an intimate friendship and close union, and for increasing and promoting the welfare and security of the said sovereigns, and their kingdoms and subjects, thought it expedient that the former treaties made between the famous kingdoms of Sweden and Great Britain, and between the former sovereigns of the said kingdoms, should now be reassumed, amended, renewed and accommodated, and applied to the present state of affairs, by the mediation, and under the guarantee of his sacred royal majesty of France, who for that end was pleased to appoint and instruct his resident M. de Campredon, to be his plenipotentiary, and especially that treaty which was made for 18 years at the Hague in 1700, between his royal majesty of Sweden, Charles XII. of blessed and most glorious memory then reigning, and his royal majesty of Great Britain, William III. also of blessed and most glorious memory then reigning, and which expired in the year 1718. Her sacred royal majesty of Sweden has therefore been pleased, for perfecting this salutary work, lawfully to con-

stitute and fully to authorise his excellency count Charles Gustavus a Ducker, senator of her majesty and the kingdom, Velt marshal general, and counsellor at war; and his excellency count Gustavus Adam a Tauble, another of her majesty's and the kingdom's senators, Velt marshal general, and chief governor of Stockholm; also his excellency the count Magnus de la Gardie, her majesty's and the kingdom's senator, and president of the college of commerce; and his excellency John count Lillienstedt, her majesty's and the kingdom's senator, and counsellor of the chancery; and finally, his excellency Daniel Nicholas de Hopken, free baron, and her secretary of state: and his sacred royal majesty of Great Britain has commissioned his excellency John lord Carteret, baron of Hawnes in the county of Bedford, one of the lords of his bedchamber, lord lieutenant of the county of Devon, and his ambassador extraordinary and plenipotentiary at the court of his sacred royal majesty of Sweden: who having duly exhibited and communicated their full powers in a congress at Stockholm, and held divers conferences on that account, did, after accurate knowledge and disquisition of things, according to the importance of the affair, agree and conclude to make the treaties of the first of March 1665, at Stockholm, and the 6th of June 1700, at Stockholm, the basis and foundation; provided nevertheless, that a negotiation be entered into immediately, without loss of time, by the commissioners of both parties at Stockholm, concerning those things which relate to the commerce of both kingdoms, and of their subjects, and which constitute a part of the treaties of 1665 and 1700; and as for every thing which relates to mutual friendship, good correspondence and security, the said treaties of 1665 and 1700 are by this present treaty intirely confirmed and corroborated, with additions and alterations only to render them better accommodated, and more applicable to the present state of affairs, as will appear to be more at large set forth, provided and stipulated by the following articles.

I. There shall be a sincere, constant and perpetual friendship, league and good correspondence between her sacred royal majesty of Sweden, and the kings her heirs and successors on the one part, and his sacred royal majesty

jeſty of Great Britain, and the kings his heirs and ſucceſſors on the other part, and all and ſingular their kingdoms, dominions, provinces, iſlands, lands, colonies, cities, towns, people, ſubjects, and inhabitants, and conſequently all their ſubjects and vaſſals, both now and hereafter, within Europe and without it, in all places both by land or ſea, and on the freſh-waters; ſo that neither they nor either of them ſhall do any detriment to the other's kingdoms, provinces, colonies, wherever ſituate, or ſubjects, nor permit, much leſs conſent that it be done by others; but ſhall embrace each other's intereſts with ſincere affection, all manner of good will, and mutual affection.

II. In like manner, both of the confederates, and their heirs and ſucceſſors, ſhall be obliged to take care of and promote their mutual advantage and honour with all application, to diſcover and bring to light all dangers, conſpiracies and machinations of the enemy, as ſoon as they come to their knowledge, to oppoſe the ſame as far as lies in their power, and to employ and unite their counſels and forces, for averting and hindering them; for which reaſon it ſhall not be lawful for any one of the confederates, either by himſelf, or any others whomſoever, to negotiate or attempt any thing to the detriment of the other, or even to the damage of the other's lands, dominions, or rights whereſoever, ſituate either by land or ſea; and they ſhall in no wiſe ſupport the other confederate's rebels, or enemies, to his prejudice, nor ſhall receive or admit any of his rebels and traitors into his dominions, much leſs afford them any advice, aid, and favour, or ſuffer or permit ſuch advice, aid, or favour, to be given by his ſubjects, people or inhabitants.

III. And particularly as to rebels, juſt now mentioned, whoſoever ſhall be declared a rebel and enemy, by letters ſent from either of the confederates to the other, he ſhall be inſtantly reputed as ſuch by that confederate to whom ſuch letters ſhall be ſent; and all the ſtipulations made by this alliance againſt the enemies and rebels of either, ſhall be put in force.

IV. And to the end that the ſaid frienſhip and good correſpondence may be cultivated every day with greater ſucceſs, to the advantage of both the ſaid princes, and

their kingdoms and subjects, and the protection of the protestant religion, and that their security may be the better provided for and guarded, it is agreed on both sides, that the most serene and most potent kings and kingdoms of Sweden and Great Britain, may be united as closely as possible, by a particular defensive alliance, as they are by these presents joined together by the closest alliance, and reciprocally obliged to the mutual defence of their kingdoms, dominions, provinces, states, subjects, possessions, rights, liberty of navigation and commerce in the Baltick, the Sound, the Northern, Western, and British seas, and in the Channel; as also of the privileges and prerogatives lawfully belonging to either of the confederates, as well by compacts and received customs, as by the law of nations and hereditary right, against all manner of invaders, aggressors, and disturbers, whether by land or sea in Europe, as is more particularly declared hereafter.

V. If it happen therefore that her royal majesty, and her heirs and successors, the kings and kingdom of Sweden, be invaded, infested or disturbed in their kingdoms, dominions and provinces, islands, and jurisdictions, either within their kingdoms, or without, or in those parts of Germany now belonging to the kings and kingdom of Sweden, or even in their possessions and prerogatives, privileges and laws thereon depending, or in any other manner whatsoever hindered and molested in the freedom of navigation and commerce in the seas and channels abovementioned, by any one or more kings, princes, states, republicks, or rebels, or by any one or more ill designing persons in Europe, his sacred royal majesty of Great Britain, and his heirs and successors the kings thereof, shall, after being duly required, constantly assist the most serene queen, and her heirs and successors, the kings and kingdoms of Sweden, against all such aggressors, disturbers, and rebels, with an army of 6,000 foot, on the terms, and in the manner as are hereafter stipulated.

VI. And those auxiliary forces which shall hereafter be so desired, shall be all sent in four months after they are required, or sooner if possible, to some convenient place and port to be nominated and appointed by the party who de-

desires them; and the preparation and sending of such succours shall in no wise be retarded, much less shall those friendly offices be wholly withdrawn, which by virtue of this alliance, the confederate who is sent to is first of all to make trial of for obtaining an amicable composition: and when the forces are sent and arrived, they shall be maintained and subsisted at the expence of the ally who sends them, till peace be obtained, or as long as the confederate who requires them thinks them necessary; provided however, that while the succours are in his dominions, they may be furnished with all necessaries for food and raiment, at as reasonable a price as his own.

VII. It shall be free for the confederate who requires the succours, to chuse whether he will have the whole number of forces abovementioned, or only a part thereof, and the rest in military stores, ammunition, provision, ships, and the necessary equipage, reckoning each thousand foot per month, as long as the war lasts, at the rate of 4,000 imperial dollars; which matter the commissioners on both sides shall agree on bona fide without delay.

VIII. But if there be danger, that the auxiliary forces may be hindered in coming to the place where they shall be necessary for him that requires them, the confederates shall be obliged to join their endeavours that their passage may be made more safe and easy; and it shall be lawful for the confederate of whom they are required, to appoint his own general to command his forces, and the same shall be kept as close together in one body, as the state of the war will admit of; which is to be understood in such a sense, that they may not be dispersed in parties, to places remote from each other. And he who is appointed General of the auxiliary forces, shall be subject to the command of the ally who requires them, or to his general in military operations; and all things which relate to action, and all other military events, shall be so ordered as is the usual custom in war, and in case of furnishing succours; and the same rule shall take place if ships should happen to be sent instead of land forces, which, as auxiliaries, shall be obliged to carry the flag of the ally who requires them.

X. If it happen that the determined number of forces be not sufficient for the greatness of the danger, as in case the aggressors be succoured by the auxiliaries of any of his

confederates, and be so strong as to over-power and defeat either of the allies, then the other ally shall be obliged as soon as possible to assist the party injured and oppressed, with as many forces as he can both by sea and land, and by pecuniary subsidies; provided nevertheless, that in such case, the manner, nature and time of giving such aid may be settled according to the exigency of the affair. And whereas the kingdom of Sweden has long ere now been infested by several neighbouring powers, even while the treaty which was concluded in the year 1700 still subsists, and as the war continues hitherto, for this reason his sacred royal majesty of Great Britain thinks himself obliged, as well by the treaty abovementioned, as by virtue of these presents, to give those farther succours to her sacred royal majesty and the kingdom of Sweden, as are hereafter stipulated.

XI. And whereas every amicable method has been hitherto attempted, but without success, for putting an end to this Northern war, according to the desire of her royal Swedish Majesty, his sacred royal majesty of Great Britain doth declare, and bind himself by these presents, that he will not suffer any more time to be wasted in vainly attempting such a reconciliation, but will next spring send a strong squadron of men of war to the kingdom of Sweden, as Succours to act in conjunction with the men of war of her sacred royal majesty of Sweden, under her command, and at her disposal, for repelling the invasions of Sweden by the Czar of Muscovy, and for speedily obtaining a just peace from him; and all operations that are to be performed by their joint forces, shall be ordered and disposed in a previous council of war, held with the commanders of the squadrons of both crowns: but for the future, before the auxiliary forces are sent, the party that suffers any force or injury shall give notice to the other ally, and then both of the allies shall use their endeavours, that the invaders or disturbers may be induced by fair means to abstain from such violence and injury, that there may not be a necessity of having recourse to arms; and if the offender should be so obstinate, that he will not condescend to do justice by amicable measures, and consequently the party injured and offended be compelled to repel the violence done to him, and any farther disturbance

turbance by force of arms, then the said forces shall be sent without delay, and such supply shall be continued till the party injured has obtained full satisfaction. He shall be accounted an aggressor, who extorts a just defence by injuries.

XII. It shall likewise be lawful for both of the confederates, and their subjects, to enter the ports of either with their men of war, and other ships of force, there to winter and stay, and to possess and enjoy the immunities and privileges of those ports; provided that they who are not the common enemies be not infested in such ports, or at their entrance, nor that the traffick to the said ports be interrupted, much less wholly cut off. It is also determined by the mutual consent of their royal confederate majesties, that a particular negotiation for navigation and commerce be immediately set on foot at Stockholm, for the mutual advantage and emolument of both nations; and in the mean while, and till the same has its effect, it is covenanted and agreed between both the allies, that there shall be a reciprocal and entire freedom of navigation and commerce in all sorts of goods and merchandize, through all and singular their dominions, jurisdictions and territories situate in Europe; so that it shall be lawful for one another's subjects freely and safely to enter by land or sea into either's kingdoms, provinces, islands, cities, towns, and villages, and there to reside and exercise commerce in all sorts of goods and merchandize, the importation and exportation of which are not particularly prohibited and restrained by the laws and statutes of both kingdoms; provided nevertheless, that such freedom of commerce be not extended to any other places than to those sea ports which have hitherto been opened for the trade of any foreign nation: in which said ports, towns, cities, and places, it shall always be free and lawful for the subjects of both of the confederates, not only to stay, reside and inhabit there as long as they please, without any molestation, oppression, restraint, or limitation of time, but also to transport themselves from thence, with their goods, merchandize, and effects, elsewhere, whensoever and wheresoever they think fit, without any detriment, delay, or impediment, under any pretence, unless they have borrowed money, and contracted any just and

and lawful debts; nor shall the said subjects be obliged to pay any tributes or taxes of any kind, under any pretence, during their stay in the dominions and territories of either of the confederates, which the nations in the most intire friendship are not obliged to pay. And to the end that the mercantile affairs of the said subjects may be confirmed and increased as much as possible, and that commerce may be reciprocally promoted between both kingdoms, the said allies bind one another, and severally engage that the merchandize and manufactures of both nations shall hereafter pay no other tribute nor taxes, than what are already established; and shall enjoy such immunity, till all points relating to their mutual commerce be more clearly and firmly decided, by a special convention or treaty to be forthwith concluded, and always to be observed for the use and profit of both nations: nor shall it be lawful for the subjects of both the allies respectively, to claim and demand greater rates for the weight and mensuration of the goods and merchandize by them imported and exported, than what are demanded and paid by the cities, inhabitants, and subjects of both kingdoms. It is moreover agreed and established, for a general rule between the said confederates, that all and singular their subjects shall enjoy equal favour, at least in all things, and on every occasion, in the dominions and territories subject on both sides to their obedience: and that they shall use and possess the same privileges, liberties and immunities which the subjects of any other prince or state, even in the strictest amity, do or may hereafter use, enjoy and possess.

XIII. Whereas by virtue of the fourth and fifth articles of the treaty of 1700, both crowns were obliged reciprocally to furnish the succours therein stipulated; on the conditions nevertheless, which are specified in the XVIth of the said treaty, viz, that if the confederate applied to for succours should himself be involved in a war, either against his own subjects, or against a foreign enemy, he should not only be obliged, during such war, to furnish succours to the other confederate demanding them, but might also after three months previous notice recal the auxiliary forces, sent in aid of his confederate, by virtue of the league: and whêreas it happened that her late sacred royal majesty of Great Britain was herself engaged

in

In a war against the crown of France, till the year 1713, when the war was concluded by the treaty of peace at Utrecht, and therefore neither could nor ought to be bound to furnish the subsidies promised to the crown of Sweden; yet forasmuch as the kingdom of Sweden has been in war from that time to this, and for that reason demands the Swedish subsidies which are in arrear; and whereas the subjects of his sacred royal majesty of Great Britain demanded just satisfaction for their ships and merchandize intercepted by the Swedish men of war and privateers, and afterwards confiscated; and whereas in like manner the subjects of her sacred royal majesty of Sweden require just satisfaction for their ships and goods intercepted by the men of war and privateers of Great Britain; for this reason it is agreed by the contracting parties, that commissaries shall forthwith be elected on both sides, to examine and liquidate the complaints relating to the ships and goods so intercepted and taken, that it may appear what part the one owes to the other, and that what is accordingly due, after a calculation made on both sides, may be punctually paid within the term fixed by the commissioners for settling those pretensions.

XIV. But the prerogatives mentioned in the beginning of the twelfth article, as granted by either of the confederates to the ships of the other in his harbours, shall in no wise be indulged to the enemies of the other. Nor shall it be lawful for the subjects of either of the confederates, to assist the enemies of the other confederate to his inconvenience and detriment, or to serve them either as soldiers or mariners by sea or land, and therefore they shall be laid under the severest prohibition.

XV. The present treaty made between the most serene monarchs of Sweden and Great Britain, shall not derogate in the least from the regalities, rights and dominion of her sacred royal majesty of Sweden in the Baltick, nor from those of his sacred royal majesty of Great Britain in those commonly called the British Seas; but both of the confederates shall hereafter preserve and enjoy all the prerogatives and privileges above mentioned, with all things depending thereon, as they have possessed them hitherto, freely and without any cavil. Which enjoyment of all things

things as aforesaid must be understood on both sides, saving this present treaty.

XVI After the confederate required as aforesaid, hath sent his auxiliaries, or discharged his obligation according to the laws of treaties, it is necessary that provision be made in like manner for him and his security; and therefore it is agreed on both sides, that the confederate who sends forces to the other confederate at his request, shall always be reputed as an auxiliary, and not be involved in the war for sending such assistance; nor shall any treaty of peace or truce be entered into, nor any suspension of arms concluded for a considerable time, which may be hurtful to the other confederate, without including and securing him that sent such assistance. But if he should be involved in open war with the aggressor, or any other whomsoever, by reason of his sending succours, then neither shall condescend to agree to any preliminaries, or to any general treaty with the enemy or enemies, without the consent and council of the other, but all things shall be acted and treated with mutual help, communication and counsel, till most ample provision is made with common consent, for the sufficient security and due satisfaction of both confederates. Above all, it shall be by no means lawful for that ally who is first engaged in the war, to make peace, before the other ally, who by virtue of this treaty has sent help to his ally, shall have ample satisfaction made him for any damage from the enemy, and be fully restored at least to his former state, which he was in possession of, or had a just title to before the war began, in case that his state and condition shall have suffered any diminution in the progress of war.

XVII. This condition is expressly added to the former, concerning sending help at the request of his ally, ' That
' if it happens that either of the confederate kings, ei-
' ther he of whom help is required, or he who re-
' quires it, should be engaged in war against a common
' enemy, or be molested by any other neighbouring king,
' prince or state, in his own kingdoms or provinces, (so
' that he of whom it is required may justly account such
' molestation for a real war) to the averting of which he
' that requires help might otherwise by virtue of this treaty
' be

be obliged himself to send auxiliaries, then the other ally so molested, if any auxiliary forces were sent at the request of the other ally before the invasion, may after three months notification recal them to his own and his kingdom's defence, and while he is pressed with such invasion, he shall not be obliged to send the promised succours, as happened heretofore during the war which continued so many years betwixt the crown of Great Britain and the most Christian King. And although that treaty of 1700, which shall be reckoned as the basis of this, was entered into upon this condition, and this which is concluded even now, ought to be explained in that manner hereafter, nevertheless his sacred royal majesty of Great Britain, in order to give the most signal tokens of his friendship to the crown of Sweden, engages *pro hac vice*, that the present war between the crowns of Great Britain and Spain, shall by no means hinder her royal majesty of Sweden from obtaining the aids actually stipulated by this treaty, or from enjoying and being supported by the same, till the peace is happily restored, viz. the subsidies and squadron of men of war, promised in the VIIIth and IXth articles, till a peace was restored with the Czar of Muscovy; but if the war with Denmark should, contrary to expectation, last longer than that with the Czar, then only the subsidies shall be continued. On the contrary, her sacred royal majesty of Sweden obliges herself not to admit of any terms which may be proposed or offered to her directly or indirectly by the king of Spain, if those terms are capable of doing any prejudice or damage to the cause for which a war has been carried on for several years against Spain. Moreover, her sacred majesty of Sweden obliges herself, her heirs and successors, to maintain and guarantee the succession to the crown of Great Britain, as it is established by the laws of the realm, in the family of his Britannick Majesty now upon the throne, and likewise to defend all the dominions and provinces possessed by his majesty; and that she will not give or grant any shelter or refuge in any part of her dominions to the person or his descendents, if he should have any, who in the life-time of James II. took the title of prince of Wales,

* Wales, and after his death the royal title of king of
 * Great Britain : promising likewise for herself, her heirs
 * and successors, that she will not directly or indirectly
 * give the said person or his descendents, any aid, counsel
 * or assistance whatsoever, either in money, arms, military
 * equipage, ships, soldiers, mariners, or in any other man-
 * ner whatsoever ; and that she will observe the same pre-
 * caution with regard to those persons who may be com-
 * manded or commissioned to disturb his Britannick Ma-
 * jesty's government, or the tranquillity of his kingdom,
 * either by open war, or clandestine conspiracies, or in
 * exciting seditions and rebellions, or in committing pira-
 * cies upon his Britannick Majesty's subjects ; in which last
 * case, her sacred royal majesty of Sweden promises that
 * she will by no means permit any refuge to be given to
 * such pirates in the harbours of her kingdom. Lastly,
 * her royal majesty of Sweden obliges herself, not to give
 * any protection or shelter in any part of her dominions
 * to those subjects of his royal majesty of Great Britain,
 * who are now, or shall hereafter be declared rebels ; and
 * that in case there happen to be such in her kingdoms,
 * provinces and dominions, she will command them to
 * depart her territories in eight days after the warning
 * given them from court. And if his sacred royal majesty
 * of Great Britain shall happen to be invaded in a hostile
 * manner, she obliges herself to send the succours above-
 * mentioned, and to do the same to his descendents, if they
 * shall happen to be disturbed in the succession to the
 * crown of Great Britain. And forasmuch as it is of the
 * greatest importance to the Protestant Religion, to the
 * commerce of the kingdoms of Sweden and Great Bri-
 * tain, and to all Christendom, that the Baltick may not
 * be in the power of the Czar of Muscovy ; if therefore
 * the said Czar refuse to make a peace with Sweden, and
 * to restore those things which are required for the security
 * of the kingdom of Sweden, and to re-establish the same
 * freedom of Commerce in the Baltick, as both enjoyed
 * before the present war, in this case his sacred royal ma-
 * jesty of Great Britain obliges himself not only to furnish
 * those aids which are expressed in this treaty, for obtain-
 * ing the same by force of arms, but he promises to use all
 * his

‘ his endeavours, and to employ all his offices with his
 ‘ confederates, that they may help Sweden with subsidies,
 ‘ and consequently furnish the crown of Sweden with the
 ‘ means for keeping the Czar within bounds.’

XVIII. And although the allies shall be obliged to send auxiliaries to one another, according to the articles above, yet that obligation shall not be so far extended, as that all friendship and mutual correspondence shall be taken away and prohibited with the enemies of the other confederate: for supposing that one of the confederates should when required send his auxiliaries, and not be engaged in the war himself, it shall then be free for his subjects and inhabitants to have trade and navigation with the enemies of that ally who is engaged in the war; and it shall be lawful for them to carry any goods whatsoever to them, those only excepted which are expressly forbid, and commonly called contraband, and declared such by the common agreement of all nations.

XIX. Forasmuch as both their royal majesties abovementioned do hereby declare that they are still bound by certain conventions and treaties formerly entered into with other powers, and that they are willing to observe the same duly, according to the stipulations of the said articles, but that nevertheless they are not at this time bound by any articles and clauses therein contained, which may or ought to weaken and obstruct this present treaty in any manner, or under any pretence: to the end therefore, that the faith of the confederates, and their perseverance in this alliance, may appear the more reciprocal, and that the minds of their subjects and friends may be the more confirmed, both their royal majesties abovementioned do oblige themselves and declare, that they will sincerely and *bona fide*, stand to all and every one of the articles of this treaty, and that they will not depart a tittle from the genuine and plain sense of the said articles, under any pretences of profit, friendship, former treaty, contract and promise, or for any other colour whatsoever; but that they will give effectual orders that all the things which they have promised in this treaty, as the state of affairs shall require, be speedily and fully put in execution by themselves, or their ministers and subjects, according as they
 are

are expressly stipulated, and this without any limitation, exception or excuse, those excepted which are expressed in the preceding articles of this treaty.

XX. This defensive treaty shall last 18 years, before the end of which the confederate sovereigns may against treat concerning its farther continuance, if it shall seem good to both of them.

XXI. Whereas this treaty has been concluded pursuant to powers and orders received on both sides, so the same ought to be approved and ratified in due and solemn form, by both their sacred royal majesties of Sweden and Great Britain, and the instruments of their ratification be delivered and exchanged at Stockholm within the space of three months, to be reckoned from the time of this subscription, or sooner if possible.

For the greater evidence and confirmation of all things aforesaid, two copies of this treaty have been made, one of which the aforesaid senators and secretary of state of her sacred royal majesty and the kingdom of Sweden, have signed and confirmed with their seals, as the other has been by the aforesaid ambassador extraordinary and plenipotentiary of his sacred royal majesty of Great Britain, who were all particularly impowered for that end, and that on one and the same day, viz. the 21st of January 1720.

The treaty between Great Britain and Spain, concluded at Madrid, June 13, N. S. 1721.

IT having pleased the Divine Providence to dispose the hearts of the most serene and potent princes, George, by the Grace of God king of Great Britain, France, and Ireland, &c. and Philip V. by the Grace of God king of Spain, the Indies, &c. to forget all the grounds of dissatisfaction and misunderstanding that have given occasion to interrupt; for some time, the friendship and good correspondence which before flourished between them; and their Britannick and Catholick Majesties being now desirous to renew and re-establish them by the strongest ties,

ties, have stipulated and agreed by their under-written ministers plenipotentiary, named for that purpose, the following articles.

I. That, for the future, there shall be, between his Britannick Majesty his heirs and successors, and his Catholick Majesty his heirs and successors, as also between their kingdoms, dominions, sovereignties, subjects and vassals, a good, firm and inviolable peace, and a perpetual and sincere friendship, and a general oblivion of every thing that has been done, on both sides, upon occasion of the last war.

II. The treaties of peace and commerce, concluded at Utrecht on the 13th of July, and the 9th of December, in the year 1713, wherein are comprehended, the treaty made at Madrid in the year 1667, and the cédulas therein mentioned, shall remain confirmed and ratified by the present treaty, except the third, fifth, and eighth articles of the said treaty of commerce, commonly called explanatory; which have been annulled by virtue of another subsequent treaty, made at Madrid the 14th of the month of December 1715, between the ministers plenipotentiary, named for that purpose, by their Britannick and Catholick Majesties, which treaty remains likewise confirmed and ratified; as also the particular contract, commonly called The Asiento, for the importation of negroe slaves into the Spanish Indies, which was made the 26th of March in the said year 1713, in consequence of the 12th article of the treaty of commerce of Utrecht; and likewise the treaty of declaration, concerning that of the Asiento, made the 26th of May 1716: all which treaties, mentioned in this article, with their declaration, shall remain in their full force, virtue and vigour, in every thing, wherein they shall not be contrary to this; and, to the end they may have their entire effect and accomplishment, his Catholick Majesty will cause his circular orders, cédulas, to be dispatched to his viceroys, governors, and other ministers, to whom it shall belong, of the ports and towns in America, that the ships employed for the traffick of negroes by the royal company of Great Britain established at London, may be admitted, without

out hindrance, to trade freely, and in the same manner as they did before the last rupture between the two crowns; and the abovementioned cédulas shall be delivered as soon as the ratifications of the present treaty shall have been exchanged; and at the same time his Catholick Majesty will give his orders to the council of the Indies, that the junta, composed of ministers taken out of that council, and appointed for the cognizance (exclusive of all others) of the causes that respect the said Assiento, may again have its course, admit of, and consult upon those affairs, according to the rule established at the time of its appointment; and as to what regards the observation of the treaties of peace and commerce, circular orders shall be dispatched to all the governors of Spain, to the end that they may, without any of their interpretations, cause them to be observed and accomplished; as in like manner shall be given, on the part of his Britannick Majesty, the orders which shall be demanded, and judged necessary for the accomplishment of every thing that has been stipulated and agreed between the two crowns in the abovementioned treaties of Utrecht; and particularly as to what may not have been put in execution of the points settled by the eighth, eleventh and fifteenth articles of the treaty of peace, which mention the leaving to the Spaniards the free commerce and navigation to the West Indies, and the maintaining the antient limits in America, as they were in the time of King Charles II. the free exercise of the Catholick Religion in the island of Minorca, and the cod-fishing in the seas of Newfoundland; as well as with regard to all the other articles which may not hitherto have been put in execution, on the part of Great Britain.

III. Forasmuch as by the seventh article of the treaty of commerce of Utrecht it was agreed, that all the goods confiscated at the beginning of the former war should be restored, in regard to the confiscation thereof had been made contrary to the tenor of the 36th article of the treaty of 1667, his Catholick Majesty, in like conformity, will order, that all the goods, merchandizes, money, ships and other effects, which have been seized, as well in Spain as in the Indies, by virtue of his orders of the month of September 1718, or of any other subsequent orders, at the
time

time before the war was declared between the two crowns, or after it was declared, be speedily restored in their same kind, as to those which shall be still in being; or, if they are not, the just and true value of them, at the time that they were seized; the valuation whereof, if, by omission or neglect, it was not then made, shall be adjusted, according to the authentick informations that the owners shall produce before the ordinary magistrates of the towns and places where the said effects shall have been seized. And as it is certain, that the orders of his Catholick Majesty (although they directed, that inventories of those goods and effects should be made and drawn up, and accounts and declarations should be kept) have not, however, been executed in that manner in several places, it has been agreed, that if the proprietors make it appear, by legal proofs, informations, and other documents, that any of them have been omitted in the said inventories, his Catholick Majesty will give express orders, that the value of those things which shall have been omitted, be paid by the treasurers or other persons, through whose neglect such omissions shall have been made.

IV. It is mutually agreed, that his Britannick Majesty shall give order to his governors, officers, and other ministers, to whom it shall belong, to cause to be restored all the goods and effects of the subjects of his Catholick Majesty, which they shall prove to have been seized and confiscated in the dominions of his Britannick Majesty, upon occasion of the last war; in the same manner as it has been settled in the foregoing article, in favour of the subjects of his Britannick Majesty.

V. It is also agreed, that his Britannick Majesty shall cause to be restored to his Catholick Majesty all the ships of the Spanish fleet, which were taken by that of England, in the naval battle that was fought in the month of August 1718, in the seas of Sicily; with the guns, sails, rigging, and other equipage, in the condition they are at present; or else the value of those which may have been sold, at the same price that the purchasers shall have given, according to the proofs and vouchers: and for the execution of this restitution, his Britannick Majesty shall cause the proper orders to be dispatched, im-

mediately after the ratification of this treaty. It is also declared, that the other pretensions that there may be, on both sides, between the two crowns, concerning matters whereof there is no mention made in the present treaty, and which are not comprehended in the second article hereof, shall be treated of at the approaching congress of Cambray.

VI. The present treaty shall have its effect immediately after it shall have been mutually ratified; and the letters of ratification shall be exchanged in six weeks after the signing, or sooner, if possible; deferring its publication till the general peace shall have been concluded at the congress of Cambray, between all the parties concerned; or till their Britannick and Catholick Majesties shall have particularly agreed upon it.

In witness whereof, we the under-written ministers plenipotentiaries of his Britannick Majesty and his Catholick Majesty, being furnished with our full powers, which have been mutually communicated, and copies whereof shall be here under transcribed, have signed the present treaty, and affixed thereto the seals of our arms. Done at Madrid the 13th of June, 1721.

(L. S.) *William Stanhope.*

(L. S.) *El Marquis de Grimaldo.*

Treaty of defensive alliance, betwixt France, Spain, and Great Britain. At Madrid, June 13, 1721.

THE differences that have happened betwixt their Britannick and most Christian Majesties on the one part, and his Catholick Majesty on the other, having not a little impaired the friendship which they always shewed to one another, it has been a long time their ardent wish to re-establish the good correspondence and sincere amity which ought to prevail among them, and which will always be the strongest support of the greatness to which God has raised them, and the surest means to preserve the publick tranquillity, as well as the happiness and mutual

mutual advantages of their subjects; and it is with a view to cement and corroborate, if possible, these dispositions, which are as conducive to the mutual glory and security of their crowns, as they are conformable to the welfare and tranquillity of all Europe, that their Britannick, most Christian, and Catholick Majesties have resolved to unite in so strict a manner, that they may act hereafter as if they had only the same view, and the same interest: and for this end the most serene king of Great Britain, &c. having given full powers to treat in his name, to William Stanhope, esq. colonel of a regiment of dragoons, a member of the parliament of Great Britain, and ambassador extraordinary from his Britannick Majesty to the court of the Catholick King; the most serene the most Christian King having given full powers for the same end, to John Baptist Lewis Andrault de Langeron, marquis de Maulevrier, lieutenant-general of his armies, commander and grand croix of the military order of St. Louis, his envoy extraordinary to his Catholick Majesty; and the most serene king of Spain having likewise granted his full powers for the same end to Don Joseph Grimaldo, knight of the order of St. Jago, governor of Rueira and Auzechal, a member of the council of the Indies, and his first secretary of state and the dispatches; they have agreed on the following articles.

I. There shall be hereafter and for ever a strict union and a sincere and lasting friendship between the most serene king of Great Britain, the most serene the most Christian King, and the most serene king of Spain, their kingdoms and their subjects, and inhabitants of the countries under their dominion; so that the injuries or damages suffered during the war, to which an end has been put by the accession of the most serene king of Spain to the treaties of London, dated the 2d of August 1718, shall be buried in eternal oblivion, and that for the future each shall take the same care of one another's safety as of his own, and not only inform his ally of the danger that may threaten him, but also oppose with all his power the injuries that may be done him.

II. In order to establish this union and correspondence firmly, and to render it yet more advantageous to the crowns of their Britannick, most Christian and Catholick Majesties, they promise and engage by the present treaty of defensive alliances mutually to guarantee the kingdoms, provinces, states and countries under each other's dominion, in what part of the world soever situate; so that if their majesties are attacked, contrary to what was resolved on at the treaties of Utrecht and Baden, and contrary to the treaties of London, and the stipulations which shall be made at Cambray, they shall mutually assist one another till the disturbance is at an end, or till they are satisfied, by the reparation of the damages which they shall have suffered.

III. In pursuance of the foregoing article, the maintenance and observation of the treaties of Utrecht, Baden, London, and of that which is to be made at Cambray, for putting an end to the differences that are to be decided betwixt the most serene king of Spain and the emperor, shall be the chief aim of the present alliance. And to strengthen it the more, the most serene king of Great Britain, the most serene the most Christian King, and the most serene king of Spain, shall by concert invite such powers as they shall think fit to enter into the present treaty for the common good, and for the preservation of the publick tranquillity.

IV. If it happen (which God forbid) that, contrary to the said treaties of Utrecht, Baden, London, or the stipulations of those which shall be made at Cambray, their Britannick, most Christian and Catholick Majesties should be attacked, or in any manner disturbed in the enjoyment of their kingdoms and countries by any potentate, they promise and engage to employ their good offices as soon as they shall be required, in order to procure for the party attacked satisfaction for the wrong done to him, and to hinder the aggressor from continuing his hostilities; and if it happen that his good offices be not sufficient to procure such reparation out of hand, their said majesties promise to furnish the following succours jointly or separately, viz.

His

His Britannick Majesty 8,000 foot, and 4,000 horse.
 His most Christian Majesty 8,000 foot, and 4,000 horse.
 His Catholick Majesty 8,000 foot, and 4,000 horse.

If the party that happens to be attacked, desire men of war or transports, or even subsidies in ready money, in the room of troops, in that case he shall be at liberty to make his choice, and they shall furnish him with the said ships or money in proportion to the expence of troops; and in order to prevent all occasion of doubt in the calculation of the said expence, their majesties agree that 1,000 foot shall be settled at 10,000 Dutch florins, and 1,000 horse at 30,000 florins per month, observing the same proportion with regard to shipping: their said majesties promising to continue and maintain the said succours as long as the troubles shall last; and if the said succours be not sufficient to repel the attacks of the enemy, they shall agree to augment them; and if it be necessary, their said majesties shall mutually assist one another with all their forces, and declare war against the aggressor.

V. Their Britannick, most Christian and Catholick Majesties, being entirely satisfied in the sentiments which the duke of Parma has always manifested towards them, and being desirous to give him marks of the singular esteem and affection which they have for him, they promise and engage by virtue of this present treaty, to grant him particular protection for the preservation of his territories and rights, and for the maintenance of his dignity; so that if he be disturbed contrary to the treaties of peace already made, and contrary to what shall be stipulated in those that are to be made at Cambray, they shall join their good offices and efforts, to obtain just satisfaction; and if it be refused, they shall agree on measures to procure it for him by all other methods that shall be in their power.

VI. His Catholick Majesty being desirous to give his Britannick Majesty, and his most Christian Majesty a particular proof of his friendship, confirms as far as there may be occasion, all the advantages and privileges which have been granted by the kings his predecessors to the

English and French nations; so that the trading subjects of the most serene king of Great Britain, and the most serene the most Christian King, shall always enjoy in Spain, the same rights, prerogatives, advantages and privileges for their persons, commerce, merchandize, estates and effects, which they have enjoyed, or which they ought to have enjoyed by virtue of treaties or agreements, or by virtue of all those which have been or shall be granted in Spain, to the nation that is most favoured.

VII. The present treaty shall be ratified by their Britannick, most Christian and Catholick Majesties, and the ratifications shall be mutually delivered in due form, and exchanged in the space of six weeks, reckoning from the day of signing, or sooner, if possible.

In witness whereof, we the underwritten ministers, plenipotentiaries of his Britannick Majesty, his most Christian Majesty, and his most Catholick Majesty, having mutually communicated our full powers, have signed the present treaty, and thereunto set the seals of our arms. Done at Madrid the 13th of June 1721.

Signed,

(L. S.) *William Stanhope,*

(L. S.) *Langeron Maulevrier.*

(L. S.) *Marquiss de Grimaldo.*

The separate article of the defensive alliance between Great Britain, France, and Spain, concluded at Madrid, the 13th of June, N. S. 1721.

THE ministers plenipotentiaries of their Britannick, most Christian and Catholick Majesties, have this day signed, by virtue of their respective full powers, a treaty of defensive alliance between their said majesties: they have further agreed, that the particular treaty, which has likewise been signed, this day, between their Britannick and Catholick Majesties, whereof the tenor follows, shall make a part of the said treaty of defensive alliance, concluded between England, France, and Spain.

Here

Here is inserted, verbatim, the treaty between Great Britain, and Spain, concluded at Madrid, the 13th of June, N. S. 1721.

THE abovesaid particular treaty shall have the same force, as if it were inserted word for word in the treaty of defensive alliance, signed this day, between the three crowns; and the letters of ratification shall be exchanged at Madrid, in the usual manner, within the space of six weeks, to be computed from the day of signing, or sooner, if possible.

In witness whereof, we have signed these presents, by virtue of our full powers, and have affixed thereto the seal of our arms. Done at Madrid the 13th of June, 1721.

(L. S.) *William Stanhope.*

(L. S.) *Langeron Maulevrier.*

(L. S.) *El Marquifs de Grimaldo.*

Another separate article of the defensive alliance between Great Britain, France, and Spain, concluded at Madrid the 13th of June, N. S. 1721.

THE ministers plenipotentiaries of their Britannick and most Christian Majesties, having this day signed, with the minister plenipotentiary of the king of Spain, by virtue of their respective full powers, a treaty of defensive alliance; the abovesaid ministers of their Britannick and most Christian Majesties have also agreed between themselves, by virtue of the same powers, that, as the principal intention and aim of that alliance is to maintain and preserve the peace and tranquillity of Europe, in which it cannot be doubted but the States General of the United Provinces of the Netherlands are disposed to concur, and to give their assistance, the first proper occasion shall be taken, in concert, to invite them thereto; and their said Britannick and most Christian Majesties promise

mise and engage, in the mean time, to maintain the treaty of defensive alliance, made at the Hague, between the king of Great Britain, the most Christian King, and the States General of the 4th of January 1717, N. S. and that nothing shall be done, directly or indirectly, to its prejudice.

Defensive treaty of alliance between the king of Great Britain, the most Christian King, and the king of Prussia, concluded at Hanover the 3d of September 1725. With three separate articles relating to Thorn, and to the contingency of a war against the emperor and empire.

THEIR majesties the king of Great Britain, the most Christian King, and the king of Prussia, having, with pleasure, observed how much the strict union subsisting between them has contributed, not only to the happiness of their own kingdoms and subjects, but also to the publick good and tranquillity; being likewise persuaded that there is not a more proper means of securing and strengthening the said advantages against all events that may happen, than to cultivate the said union more and more, and to make it indissoluble; and having maturely considered all the treaties that subsist between their said majesties, (from which they declare that they do not intend any way to derogate by this present treaty) they have thought fit to take before hand, new measures, in case any disturbances should arise in Europe, by agreeing among themselves upon what may be necessary not only for the security and the most essential interests of their own kingdom, but also with regard to the general good and tranquillity. Upon these considerations, and with this view, their said Britannick, most Christian, and Prussian Majesties have given their full powers; that is to say, his Britannick Majesty to Charles Viscount Townshend, Baron of Lynn, his lieutenant in the county of Norfolk, knight of the most noble order of the garter, and his secretary of state; his most Christian Majesty, to Francis count de Broglie, lieutenant general of his armies, director general of his horse, and of his dragoons, governor

not of Mont-Dauphin, and his ambassador to the said most serene king of Great Britain; and his Prussian Majesty, to John Christopher de Wallenrodt, his minister of state, and his envoy extraordinary to the said most serene king of Great Britain; who, by virtue of the said full powers, having with all possible attention weighed the most proper measures to attain the end which their said majesties propose to themselves, have agreed upon the following articles.

I. There shall be now, and in all time coming, a true, firm, and inviolable peace, the most sincere and intimate friendship, and the most strict alliance and union between the said three most serene kings, their heirs and successors, their dominions, countries, and towns situate in their respective territories, and their subjects and inhabitants, as well in as out of Europe; and the same shall be preserved and cultivated in such manner, that the contracting parties may faithfully promote their reciprocal interests and advantages, and prevent and repel all wrongs and damages, by the most proper means they can find out.

II. As the true aim and intention of this alliance between the said kings is mutually to preserve the peace and tranquillity of their respective kingdoms; their abovesaid majesties do promise to each other their reciprocal guarantee for the protecting and maintaining generally all the dominions, countries, and towns both in and out of Europe, whereof each of the allies shall be actually in possession at the time of the signing of this alliance; as also all the rights, immunities, and advantages, particularly those relating to trade, which the said allies enjoy or ought to enjoy respectively. And to this end the said kings have agreed, that if out of resentment on account of this alliance, or upon any other pretext, any one of the said allies should be attacked in hostile manner by, or should suffer any wrong from, any prince or state whatsoever, the other allies shall employ their good offices to procure satisfaction to be given to the injured party, and to engage the aggressor to forbear any further hostility or wrong.

III. And

III. And if any of the contracting parties should be openly attacked, or molested in the abovesaid cases, and that the good offices abovementioned should not be effectual, so as to procure a just satisfaction for the wrongs and damages done to the injured party, then the other parties, within two months after application shall be made to them, shall furnish the following succours; that is to say,

His majesty the king of Great Britain shall furnish 8,000 foot, and 4,000 horse.

His most Christian Majesty shall, in the like case, furnish 8,000 foot, and 4,000 horse.

And his majesty the king of Prussia, shall furnish 3,000 foot, and 2,000 horse.

But if the party attacked should rather desire to have men of war, or transport ships, or even subsidies in money; which shall always be left to his choice; then the other parties shall supply him with ships or money, in proportion to the expence of the troops to be furnished as above. And to remove all manner of doubt with regard to this expence, the contracting parties do agree, that 1,000 foot shall be valued at 10,000 Dutch guilders by the month; and 1,000 horse, at 30,000 guilders of the same money also by the month: and the computation shall be made in proportion as to the men of war and transport ships. If the succours above specified do not prove sufficient to cause satisfaction to be made to the injured party, then the contracting parties shall agree together upon further forces to be furnished; and finally, in case of need, the said allies shall assist the injured party with all their forces, and shall even declare war against the aggressor.

IV. And as the said three most serene kings are resolved to bind more and more closely the strict union that subsists among them, by all possible tokens of good faith and mutual confidence, they have reciprocally agreed, not only to enter into no treaty, alliance or engagement whatsoever, which may, in any manner whatever, be contrary to the interests of each other; but even faithfully to com-

communicate to each other the proposals that may be made to them, and not to take, upon what may be **proposed**, any resolution, otherwise than in concert together, and after a joint examination of what may conduce to their common interests, and be proper for maintaining the ballance of Europe, which is so necessary to be preserved for the good of the general peace.

V. His most Christian Majesty being particularly interested as guarantee of the treaties of Westphalia, in the maintaining of the privileges and liberties of the Germanick Body; and their Britannick and Prussian Majesties as members of that body, observing with equal concern seeds of division and of complaint that may at length break out, and bring on a war, which, by fatal consequences resulting from it, might set all Europe on fire; their said majesties being ever attentive to what may one day disturb the tranquillity of the empire in particular, and that of Europe in general, do engage and promise to help each other mutually in maintaining and causing to be observed the abovesaid treaties, and the other acts, which having settled the affairs of the empire, are looked upon as the basis and foundation of the tranquillity of the Germanick Body, and the support of its rights, privileges and immunities, which their abovesaid majesties are truly desirous to secure in a solid manner.

VI. The present alliance shall subsist during the space of 15 years, to be computed from the day of the signing of these presents.

VII. Their Britannick, most Christian, and Prussian Majesties will invite the princes and states which shall by them be agreed upon, to accede to the present treaty; and they have now agreed to invite particularly the lords the States General of the United Provinces.

VIII. This present treaty shall be approved and ratified by their majesties the king of Great Britain, the most Christian King, and the king of Prussia, and the ratification shall be delivered in the space of two months, from the signing of these presents, or sooner, if possible.

In witness whereof, we have signed this present treaty, and caused the seals of our arms to be affixed thereto. Done at Hanover, the 3d of September 1725.

(L. S.) *Townshend.*

(L. S.) *Braglia.*

(L. S.) *Wallendrodt.*

SEPARATE ARTICLE. No. 1.

WHEREAS the affair that lately happened in the city of Thorn, and what has ensued thereupon, have alarmed many princes and states, who apprehend that, to the prejudice of the treaty of Oliva, disturbances may on this occasion arise, not only in Poland, but also in the neighbouring countries, their Britannick, most Christian, and Prussian Majesties, who, as guaranties of the said treaty of Oliva, are obliged to see it maintained and observed to all intents and purposes, do engage to employ their offices the most effectually they can, to cause reparation to be made for what may have been done contrary to the said treaty of Oliva; and in order thereunto, their said majesties will, in concert together, inform themselves by their ministers in Poland, of the infractions that may have been made of the said treaty of Oliva, and of the means by which the same may be redressed, in such way as may entirely secure the publick tranquillity against the dangers to which it might be exposed, should so solemn a treaty as that of Oliva be infringed.

SEPARATE ARTICLE. No. 2.

IF out of resentment, on account of succours which his most Christian Majesty may furnish to his Britannick Majesty and to his Prussian Majesty, to secure them from the disturbance which they might suffer in the territories they possess, the empire should declare war against his said most Christian Majesty; as in this case such a declaration would as well affect the most serene king of Great Britain, and the most serene king of Prussia, whose interests would be the occasion of such a war,

war, as his most Christian Majesty; they not only will forbear to furnish their quota in troops, or in any other kind of succours whatever, even though their said Britannick and Prussian Majesties should not be comprehended and named in the declaration of war which the empire should make against France, but they will even act in concert with his most Christian Majesty, until the peace disturbed on that occasion be restored; his said Britannick Majesty expressly promising, moreover, to execute in such case the treaties he has concluded with his most Christian Majesty, who on his part promises faithfully to observe the same.

SEPARATE ARTICLE. No. 3.

IF it should happen, that, notwithstanding his most Christian Majesty's firm resolution to observe exactly all his treaties with regard to the empire, in those things in which there has been no derogation therefrom by the present treaty, it should be attempted on the part of the empire to take any resolution against France, to the prejudice of the general guarantee of possessions, as it is stipulated by the treaty signed this day; his Britannick Majesty and his Prussian Majesty promise in such case to employ their good offices, credit, and authority, the most effectually they shall be able, either by their own votes, and those of the princes in friendship with them at the diet, or by all other proper means, to prevent any thing being done contrary thereto: and if against all expectation, and notwithstanding all their endeavours, war should be declared against France, on the part of the empire, although in this case the same being no longer a defensive one, they might not by its constitutions be obliged to furnish any quota; yet to remove all doubt between their said majesties, if they should think they could not be dispensed with from performing their duty as members of that body, their said Britannick and Prussian Majesties do reserve to themselves the liberties of furnishing their quotas of foot or horse, of their own troops, or of such as they shall take into their pay from any other prince, at their own choice; and their Britannick and Prussian Majesties shall

shall not, on account of such furnishing their quotas, be deemed to have acted contrary to the treaty signed this day, which shall continue in all its force: their Britannick and Prussian Majesties promising not to furnish in such case any other or greater number of troops against his most Christian Majesty, than what they are obliged to find for their quota; and that they will in other respects perform, in the cases foreseen, their engagements to his said most Christian Majesty, who on his part shall not on account of the said quota exercise any hostility against the territories and subjects of the said most serene king of Great Britain, or the said most serene king of Prussia, in the empire, or elsewhere; nor demand, or pretend to any contributions, forage, quarters, passage, or other things at the charge of the said countries and territories, on any pretence whatsoever. In like manner, it shall also not be lawful for the said territories, places, countries, and subjects, to furnish any of the said things to the enemies of his most Christian Majesty; who does also oblige himself and promise on his part, that if in the empire resolutions should come to be taken, like to those that are mentioned in this article, to the prejudice of the kings of Great Britain and Prussia, his most Christian Majesty will openly take their part, and will not fail to assist them with all necessary vigour, in pursuance of this treaty, until the disturbances, wrongs, and infractions, shall entirely cease.

These separate articles shall be of the same force, as if they had been inserted word for word in the treaty this day concluded and signed: they shall be ratified in the same manner, and the ratifications thereof shall be exchanged at the same time as the treaty. In witness whereof, we have signed these articles, and have set thereto the seals of our arms. Done at Hanover the third of September 1725.

(L. S.) *Townshend.*

(L. S.) *Broglie.*

(L. S.) *Wallenrodt.*

Act of the accession of the United Provinces to the treaty of defensive alliance, signed at Hanover on the 3d of September 1725. Made at the Hague the 9th day of August 1726.

In the name of the Most Holy and Undivided Trinity.

WHEREAS their majesties, the most Christian King, the king of Great Britain, and the king of Prussia, as well for cementing the strict union which subsists betwixt them, as for the safety of their own kingdoms and dominions, and also for the preservation of the peace and of the publick tranquillity, thought fit to enter into an alliance with one another; the treaty for which purpose was concluded at Hanover the 3d of September 1725, together with three separate articles, which were communicated to their High Mightinesses the lords the States General of the United Provinces of the Netherlands, by the marquis de Fenelon, ambassador of France; by Mr. Finch, envoy extraordinary of Great Britain; and by the sieur Meynhertshagen, envoy extraordinary from the king of Prussia; who in the name of the kings their masters, jointly invited the said lords the States General to accede to the said treaty, and the separate articles, conformably to the agreement in the seventh article of the said treaty, which with the separate articles are here inserted *verbatim*.

Fiat Infertio.

And whereas the said lords the States General, after having seen and examined the said treaty and its separate articles, have declared that they are fully sensible of the honour which their majesties did them by so ready and obliging an invitation to accede to the said treaty; and as at the same time they acknowledge the care they took in the making of this treaty, as well for the preservation of the publick tranquillity in general (without which the peace of their republick cannot be secure) as in particular for the maintenance of its commerce, without which
it

t cannot subsist; and as they are fully convinced moreover, that the aim of this alliance does not at all tend to give the least infringement to any former treaty or alliance, contracted either by them, or by any one of them, with other princes or states, but that their intention is rather to corroborate them; and that the grand view of this alliance only tends to the uniting of themselves the more closely together, without giving offence to any person whatsoever, for the guarantee, protection, and maintenance of all the dominions, countries, and towns, in or out of Europe, which each of the allies shall be actually in possession of at the time of the signing the said treaty, as well as of the rights, immunities, and advantages, particularly those relating to commerce, either in Europe or out of it, which each of the allies enjoyed at the time of the signing of the said accession.

Moreover, the said lords the States General being firmly persuaded, that by their accession to the said treaty of Hanover, it is not required of them that they shall undertake the general guarantee of the treaties of Westphalia and Oliva, mentioned in the fifth article of the treaty of Hanover, and in the first of the separate articles, to which general guarantee they were never engaged; but that their guarantee in this respect extends only to the rights and possessions, which the high allies, or any one of them, have acquired by those treaties, and which they enjoy at the time of the signing.

And as to the affair of Thorn, mentioned in the first of the separate articles of the treaty of Hanover, as they only engage to employ their amicable offices jointly with the high contracting powers, to obtain a reasonable satisfaction and reparation for the infraction of the treaty of Oliva; and in case those amicable offices be employed without effect, and it should be thought necessary to do any thing further, then their High Mightinesses shall be at full liberty of giving their thoughts, without being obliged to any thing more than good offices, unless they renew their agreement.

Finally, since this alliance has a particular view to the establishment of an intire confidence between the contracting parties, and the lords the States General, sup-

posing

posing that the allies will with all confidence mutually communicate their thoughts to each other about the ways and means which shall be thought most effectual in case of need, for preserving and maintaining the possessions and rights abovementioned, as well those relating to commerce as others, in Europe or out of Europe.

And whereas in full persuasion and firm confidence, that such is the real aim and intention of their said majesties, the said lords the States General, to give a mark of their desire to unite closely with them, and of their high esteem for their friendship and alliance, have resolved to accede to the treaty, and the separate articles above inserted: and have for this end appointed the sieurs Christian Charles, baron de Lintelo, lord of Esse, bailiff of Lochem, and droffart of Bedovors; Arnold de Zuylen de Nievelt, late burgomaster and senator of the city of Rotterdam, ruart of the territory of Putten, bailiff and dykegrave of Scieland; Isaac van Hoorbeeck, pensionary counsellor of the states of the province of Holland and Westfriesland, keeper of the great seal, and superintendent of the siefs of the said province; Nicholas Henry Noey, late burgomaster of the town of Tholen; Gerard Godard Tats van Ameronge, knight of the teutonick order, and a commander of the said order at Doesburg, great huntsman of the province of Utrecht; John Abraham van Schurman, burgomaster and senator of the town of Slot; Everard Rouse, burgomaster of the town of Deventer; and Lambert Henry Emmer, secretary of Groningen, all deputies in the assembly of the said lords the States General, on the part of the states of Guelderland, Holland, and Westfriesland, Zealand, Utrecht, Friesland, Overijssel, Groningen, and Ommelands: and have furnished them with full powers to agree about that accession with the marquiss de Fenelon, plenipotentiary of his most Christian Majesty; Mr. Finch, plenipotentiary of his majesty the king of Great Britain; and M. Meynerst-hagen, plenipotentiary of his majesty the king of Prussia, likewise vested with full powers.

Who after having had a conference together, came to the following agreement; that the said lords the State General shall accede (as the said deputies and plenipoten-

tiaries have declared that they do accede, in their name, and on their behalf) to the said treaty and separate articles, engaging themselves to their said majesties in every thing that is therein contained, in the same manner as if they had contracted with them from the beginning. And their High Mightinesses acknowledging their end and intention to be such as is expressed above, their said majesties will accept of their High Mightinesses accession, as the said ambassadors, ministers, and plenipotentiaries have declared, that they do accept of the said accession, in the name, and on the behalf of their said majesties, engaging themselves to their High Mightinesses in every thing that is contained in the said treaty and separate articles, in the very same manner as if they had contracted with their majesties from the beginning.

The succours which their High Mightinesses are to furnish in case of need, not having been regulated by the treaty, it is agreed that the same shall be four thousand foot, and one thousand horse. For clearing up of the 6th article of the treaty, it is declared, that after the expiration of the fifteen years therein mentioned, the whole shall fall in with the terms of preceding treaties, as they subsist between the high contracting powers, and especially with the terms of the alliance stipulated in the year 1717.

This present treaty for the accession of the States General shall be approved and ratified by their majesties the most Christian King, the king of Great Britain, and the king of Prussia, and by the lords the States General of the United Provinces of the Netherlands, and the ratifications shall be produced here at the Hague, within the space of two months from the day of signing these presents, or sooner, if possible. In witness whereof, we the underwritten plenipotentiaries constituted for the purpose aforesaid, and vested with the full powers of their majesties the most Christian King, the king of Great Britain, the king of Prussia, and the said lords the States General, have signed the present treaty, and caused the seals of our arms
to

to be thereto affixed. Done at the Hague, the 9th day of August 1726. *Signed,*

(L. S.) The marquiss *de Fencelon*.

(L. S.) *W. Finch*.

(L. S.) *C. C. de Lintelo*.

(L. S.) *A. v. Zuylen van Nievelt*.

(L. S.) *Jf. van Hoornbeeck*.

(L. S.) *N. J. H. Noey*.

(L. S.) *A. v. Schürman*.

(L. S.) *Everard Roufe*.

(L. S.) *L. H. Emmier*.

SEPARATE and SECRET ARTICLE.

THE lords the States General having represented that it may happen, that in revenge for their accession signed this day, they may be attacked or disturbed, in such manner that they may be obliged to have recourse to arms for their defence, and that then the time necessary to wait for the success of the offices which shall be employed, when, and not before, their allies are obliged to furnish them with the succours stipulated by the third article of the treaty of Hanover, may be a considerable prejudice to them, and leave them exposed to the most vigorous attacks, without being succoured by the princes their allies; their most Christian, Britannick, and Prussian Majesties, in order to give the lords the States General a fresh proof of their concern for the preservation of their republick, have been pleased to engage and promise, that in the cases aforesaid, which may put the said republick in evident danger, they will furnish the succours stipulated by the third article abovementioned, even without waiting for the issue of the offices and instances which they shall set on foot with the aggressor, to procure the satisfaction or reparation required.

This article shall remain secret, and have the same force as if it were inserted *verbatim* in the treaty this day concluded and signed: It shall be ratified in the same manner, and the ratifications shall be exchanged in the same time as the treaty. In witness whereof, we the underwritten, being appointed plenipotentiaries by virtue

of the full powers of their majesties the most Christian King, the king of Great Britain, the king of Prussia, and of the lords the States General of the United Provinces, have signed the present article, and caused the seal of our arms to be thereto affixed. Done at the Hague, the 9th of August 1726.

Signed,

(L. S.) The marquís *de Fenelon*.

(L. S.) *W. Finch*.

(And by the same deputies who signed the act of the accession.)

DECLARATION.

WHEREAS in the first article of the treaty signed at Hanover on the 3d of September 1725, betwixt their majesties the most Christian King, the king of Great Britain, and the king of Prussia, among other cases there is mention of the examination to be made of what is proper for maintaining the balance of power, necessary to be preserved in Europe for the sake of peace in general; the deputies of the States General of the United Provinces, with the consent of the ministers of the three contracting powers, have reserved it to themselves, that when their majesties think it necessary to concert together, and to advertise the said States General concerning such points as relate to the maintenance of a balance of power in Europe, the lords the States General shall in every particular proposed for their concert, retain the same liberty they had before their accession to the said treaty, without being obliged by their accession to engage in any measures which they shall not agree to.

This declaration shall be ratified in the same manner, and the ratifications thereof shall be exchanged at the same time as those of the treaty, of which we the underwritten who are constituted plenipotentiaries, by virtue of the full powers of their majesties, the most Christian King, the king of Great Britain, the king of Prussia, and the lords the States General of the United Provinces, have signed the present declaration, and have caused

caused the seals of our arms to be thereto affixed. Done
at the Hague, the 9th of August 1726.

Signed,

(L. S.) The marquiss *de Fencelon*.

(L. S.) *W. Finch*.

(And by the same deputies who have signed
the act of accession.)

SEPARATE ARTICLE.

THOUGH it is clear and indisputable, that their High Mightinesses the lords the States General of the United Provinces of the Netherlands, by the fifth and sixth articles of the treaty of Munster, in the year 1648, made between Spain and the republick of the United Provinces, have acquired a right which excludes the subjects of the Austrian Netherlands, as well as the subjects of all other countries, which at that time constituted a part of the Spanish monarchy, from navigation and commerce to the Indies, within the limits of the privileges or charter granted by the said lords the States General to their East and West-India companies; and that this right by consequence falls evidently under the guarantee of the rights to which the allies are mutually engaged by virtue of the 2d article of the treaty, concluded at Hanover the 3d of September 1725: nevertheless, in order to remove all manner of doubt and scruple upon that head, the underwritten ambassadors, envoys extraordinary, and plenipotentiaries of their most Christian and Britannick Majesties, at the request of the underwritten deputies, plenipotentiaries of their High Mightinesses, have been pleased to declare, as they do by these presents declare, in the name and on the part of their majesties, that the said right resulting from the 5th and 6th articles of the treaty of Munster, is included in the rights which the allies guarantee by the second article of the treaty of Hanover; and that if by reason of the exercise of such right, or in revenge for this alliance, any misunderstanding should happen, and his Imperial Majesty, contrary to expectation, should suspend or stop the payment of the subsidies due to the republick for the maintenance

of their troops in the barrier places, or the payment of the interests and principal sums borrowed upon divers funds assigned by his Imperial Majesty for the security of the said payment, or if he should make use of any sort of reprisal or violence, that then it is their said majesties intention, that the allies shall protect and maintain the said lords the States General, conformably to the alliance to which they have this day acceded, and shall without delay concert the most effectual and proper means for maintaining the said lords the States General in this right, and in the exercise thereof, and shall guarantee them against all consequences resulting from the same; but so as not to proceed to violence against the Ostend company, in the Indies or elsewhere, before the contracting powers of this alliance have concerted what to do thereupon. This separate article shall be of the same force as if it had been inserted word for word in the treaty concluded and signed this day: it shall be ratified in the same manner, and the ratifications shall be exchanged within the same time as the treaty. In witness whereof, we the underwritten, constituted plenipotentiaries, by virtue of full powers from their majesties, the most Christian King, the king of Great Britain, and the lords the States General, have signed the present article, and thereto caused the seals of our arms to be affixed. Done at the Hague, the 9th of August 1726.

(Signed by the two ministers of France and England, and also by the deputies, as above.)

DECLARATION.

THE deputies of the lords the States General of the United Provinces, having communicated to the ministers of their majesties the most Christian King, the king of Great Britain, and the king of Prussia, the resolution taken by their High Mightinesses to accede to the treaty of Hanover, according to the invitation made to them by the said ministers on the part of their majesties; and having added, that they the said deputies were vested with a full power, and that they were ready to proceed to the conclusion and signing of the treaty

treaty and separate articles drawn up upon their accession:

The marquiss de Fenelon, plenipotentiary of his most Christian Majesty, and Mr. Finch, plenipotentiary of his Britannick Majesty, have declared, that they also were vested with full powers, and that they were ready to conclude and sign; but the sieur de Meynhertshagen, minister of his Prussian Majesty declaring, that he had not yet received orders for the full powers to the same end from the king his master, the plenipotentiaries of their most Christian and Britannick Majesties, as also the deputies and plenipotentiaries of the lords the States General, considering that there was no more time to be lost, and that every farther delay in completing the accession of the republick to the treaty of Hanover, could not but be disadvantageous to the end proposed by the said treaty; and at the same time there being no reason to doubt, that his majesty the king of Prussia will likewise authorize his minister to sign the treaty of accession, and separate articles: in consideration, and in firm confidence hereof, they have proceeded to the signing of the present treaty and separate articles, leaving a space for the minister of his majesty the king of Prussia to sign in like manner, as soon as he has received his full power.

Nevertheless it is agreed and stipulated, by this separate article, that if, contrary to expectation, his majesty the king of Prussia doth not come to such resolution; the said treaty and separate articles shall, however, be of force, and put in execution by the contracting powers, in all their clauses, in the manner which has been stipulated, and that the ratifications thereof shall be exchanged in the time specified.

In witness whereof, we the underwritten, who are appointed plenipotentiaries, by virtue of the full powers of their majesties the most Christian King, and the king of Great Britain, and the lords the States General, have signed the present article, and caused the seal of our arms to be thereunto affixed. Done at the Hague, the 9th of August 1726.

(Signed by the ministers and deputies as above.)

Accession of the King and Kingdom of Sweden to the treaty of Hanover. Dated at Stockholm the 14th of March 1726.

In the name of the most Holy Trinity.

BE it known unto all and every one to whom it doth or may appertain, that his majesty the most serene king of Sweden, having been amicably invited, on the part of their majesties the most serene kings, the king of Great Britain, the most Christian King, and the king of Prussia, by their ministers, to accede to the defensive alliance which their majesties concluded at Hanover the 3d of September 1725, and to the three separate articles annexed thereunto; which, as well as the said alliance, have the maintaining and preserving of the publick tranquillity, and particularly that of the North for their only object, the tenor whereof is as follows.

Fiat Inscriptio.

And his majesty the most serene king of Sweden being always disposed to concur in so salutary a view, and being desirous to show how agreeable this invitation was to him, has authorized, by his full power, in due form his commissaries, the underwritten senators of the kingdom of Sweden, and members of the chancery, to enter into conference with the underwritten ministers plenipotentiaries, from their majesties the king of Great Britain and the most Christian King, provided with like full powers, for negotiating and agreeing upon the accession of his majesty the king, and the crown of Sweden, to the said treaty of alliance concluded at Hanover, and to draw up and sign an act in form for that purpose; the said ministers plenipotentiary and commissaries having been in conference several times upon that subject, and having produced their full powers on each side, agreed upon what follows.

His majesty the most serene king, and the crown of Sweden, declare and promise, that his said majesty, his heirs and successors, do full accede to the defensive alliance concluded at Hanover, and here above inserted;

as

as likewise to the three separate articles that are thereunto annexed; and that his majesty and the crown of Sweden, by virtue of this solemn accession, do join and associate themselves as a principal contracting party to their majesties the most serene kings, the king of Great Britain and the most Christian King, obliging and engaging themselves towards their said majesties, their heirs and successors, jointly and separately, to observe and fulfil faithfully and effectually all the conditions and clauses comprehended in the said treaty of a defensive alliance, and the three separate articles thereof, and to furnish, when the case of the alliance shall happen, a succour of three thousand foot, and two thousand horse, according to the obligations of the treaty: the whole in such manner, and as faithfully, as if his majesty and the crown of Sweden had been a principal contracting party from the beginning, with the abovesaid most serene confederate kings, and had concluded with their said majesties jointly or separately the articles and conditions expressed in this defensive alliance, and the separate articles thereof.

Their majesties the most serene kings, the king of Great Britain and the most Christian King, do admit and associate his majesty and the crown of Sweden to the abovesaid treaty of Hanover; as likewise to the three separate articles which are thereunto annexed, as a principal contracting party; declaring and promising, on their part, that their majesties, their heirs and successors, will observe and fulfil, jointly and separately, faithfully and effectually, with respect to his majesty the most serene king and the crown of Sweden, all the conditions and clauses contained in the said defensive alliance and the separate articles thereof.

This act of accession shall be approved and ratified, on the part of their majesties the king of Great Britain, and the most Christian King, and of his majesty and the crown of Sweden; and the ratifications thereof shall be exchanged in the space of two months, to be reckoned from the day of the signing this present act, or sooner, if possible.

In

In witness whereof, we, by virtue of our respective full powers, have signed this present act, and have set our seals thereunto. Done at Stockholm, the 14th day of March 1727. O. S.

(L. S.) *S. Poyntz.*

(L. S.) *M. J. de Garde.*

(L. S.) *A. Baneer.*

(L. S.) *Clas Ekeblad.*

(L. S.) *J. V. Duben.*

(L. S.) *D. N. Von Hopken.*

(L. S.) *J. H. Von Kochen.*

SEPARATE ARTICLES.

ALTHOUGH by the act of accession and admission signed this day, his Majesty and the crown of Sweden accede purely and simply to the treaty of Hanover, the ministers plenipotentiary of their Britannick and most Christian Majesties have however agreed with the commissaries of his said majesty, to the exceptions and articles which follow.

I. As the defensive alliance concluded at Hanover the 3d of September 1725, has no other view but the peace and tranquility of Europe, and particularly that of the North, their majesties the king of Great Britain, and the most Christian King, as likewise his majesty the king and the crown of Sweden declare, that, being not engaged by any treaties or conventions with other powers that are contrary to this alliance, the said treaties and conventions shall not be weakened by this accession, but shall remain in their full force: and their majesties declare, at the same time, that they are, at present, and shall continue always in a firm resolution to keep and fulfil, inviolably, all that has been stipulated by the abovesaid alliance of Hanover; obliging themselves, on each side, to observe faithfully all the engagements entered into by the present treaty of accession, and the separate articles and secret one thereof, without neglecting or violating the same in any wise, under the pretence of former treaties and engagements, or under any other pretence whatsoever,

II. His

II. His majesty and the crown of Sweden having no possessions at present out of Europe, reserve to themselves that their guarantee shall not be extended beyond the bounds of Europe.

III. The king and the crown of Sweden having shewn that they desire not to be under the obligation of sending the troops stipulated on their part in the act of accession to the treaty of Hanover, and by the secret article of the present treaty of accession, into countries too far off, it is agreed, among the contracting parties, that, when the case of this present treaty shall happen, the said troops shall not be employed in Italy, or in Spain, but they may any where else; their Britannick and most Christian Majesties preserving always the right of demanding the contingent of five thousand men, stipulated on the part of the king and of the crown of Sweden, in the act of their accession to the treaty of Hanover, in money or in ships, pursuant to what is settled in the said treaty of Hanover.

IV. His majesty and the crown of Sweden, in order to remove all possibility of doubt, with respect to the acts mentioned in the fifth article of the treaty of Hanover, as having determined concerning the affairs of the empire, declare, that, by the said acts, they understand no other than those which have been received and approved by the states of the empire in the usual manner.

V. His majesty and the crown of Sweden declare, that they accede to the two last separate articles of the treaty of Hanover, as finding nothing therein contrary to the obligations wherewith his said majesty is bound to the emperor and the empire, as a prince of the empire.

VI. As by this accession his majesty the king and the crown of Sweden, enter into no engagements with any other power whatsoever, except those that are comprehended by name in the treaty of Hanover, and whose ministers sign these presents, their majesties, the king of Great Britain, and most Christian King, as likewise his said majesty and crown, do promise each other reciprocally, not to enter, without the knowledge of each other, and without mutual concurrence, into any engagements with any other power, that may be contrary to this treaty and these
sepa-

separate articles and secret one, or invalidate the same in any wise.

Their Britannick, most Christian and Swedish majesties have agreed, and do promise each other reciprocally, that if, in hatred of this present treaty, or under any other pretext equally unjust, they should be attacked, infested or troubled, jointly or separately, by any power whatsoever, they will make it a common cause against the aggressor; and they will mutually succour and assist each other faithfully, and in the most ready and effectual way, according to the exigency of the danger, and according to the situation of their affairs, respectively, without excusing themselves, under pretence of being in war themselves, or under any other pretence whatsoever.

SECRET ARTICLE:

THEIR Britannick and most Christian Majesties, to shew their friendship towards the king and crown of Sweden, promise and engage, by virtue of this present secret article, to pay at Hamburg, Amsterdam, or London, as Sweden shall chuse each, for three years successively, the sum of 50,000*l.* sterling a year, or the value thereof, according to the exchange, to be paid in two payments each year, from six months to six months, by way of advance; and whereof the first payment for the present year shall be made immediately after the exchange of the ratifications; and the second payment, for the same year, a little while afterwards, and as soon as the necessary dispositions can be made for that purpose; the third payment to begin a year after the exchange of the ratifications; and so the rest from six months to six months.

His majesty and the crown of Sweden oblige themselves, and promise, on their side, by this article, to hold in readiness, besides the succour agreed upon by the act of this present accession, a further body of 7,000 foot, and 3,000 horse, to be employed where the cases of the alliance shall render it necessary.

Provided, that when their Britannick and most Christian Majesties shall require the service of these 10,000 men, they shall be in their pay, and not in that of the king of Sweden; which pay, as well as what concerns the recruits
and

and other matters depending thereon, shall be then settled by a particular convention; his majesty and the crown of Sweden reserving to themselves the right of recalling this body of troops, or of not sending it out of the kingdom, at such times when any real and imminent danger shall render it necessary for the defence of their own dominions and provinces.

These separate articles, and the secret one, shall have the same force as if they had been inserted word for word in the act of accession, concluded and signed this day; they shall be ratified in the same manner, and the ratification thereof shall be exchanged at the same time with those of the act of accession.

In witness whereof, we, by virtue of our respective full powers, have signed the present separate articles, and the secret one, and have set our seals thereunto, Done at Stockholm, the 14th of March, O. S. 1727.

(L. S.) *S. Poyntz.*

(L. S.) *M. J. de la Garde.*

(L. S.) *A. Baneer.*

(L. S.) *Clas Ekeblad.*

(L. S.) *J. V. Dubend.*

(L. S.) *D. N. Von Hopken.*

(L. S.) *J. H. Von Kochen.*

Treaty of alliance between Great Britain, France, and Denmark, April 16, 1727.

WHEREAS their majesties the king of Great Britain and the most Christian King are always attentive to fulfil their engagements, and to watch over the quiet and security of their friends and allies; and, as their said majesties have really cause to believe, that the Muscovites and their adherents may soon concert means, and make dispositions to come and attack the dominions of his majesty the king of Denmark, either to take away by force from his Danish Majesty the duchy of Sleswick; or to prepare the means for executing other projects contrary to the tranquility of the North, and of the Lower Saxony, and of the countries which are of concern to the contracting

tracting parties in the circle of Westphalia; and as their Britannick and most Christian Majesties are so much concerned in interest to take due precautions against every thing that, by troubling the peace of the said countries, may, at the same time, give a blow to the treaty of Hanover, as it especially confirms the treaties of Westphalia; and to put themselves in a condition to execute faithfully the guaranties given against any invasion or hostility on the part of the Czarina, or of any other power whatsoever, which should come and attack the duchy of Sleswick: their Britannick, most Christian and Danish Majesties have thought fit to give their full powers, that is to say, his Britannick Majesty to John lord Glenorchy, knight of the order of the Bath, and envoy extraordinary from his majesty the king of Great Britain to his majesty the king of Denmark; his most Christian Majesty to Peter Blouet, count of Camilly, knight of the grand cross of the order of St. John of Jerusalem, captain of the ships of his most Christian Majesty, and his ambassador plenipotentiary to his majesty the king of Denmark; as likewise his Danish Majesty to his ministers, viz. Ulrick Adolph of Holstein, count of Holstenburg, knight of the order of the elephant, great chancellor, privy counsellor of the council, and chamberlain to his majesty the king of Denmark; John George of Holstein, lord of Mollenhagen, knight of the order of the elephant, privy counsellor of the council, and governor of the bailywick of Tondern, for his majesty the king of Denmark; and Christian Lewis of Plesseu, lord of Tusingoe, Silsoe and Glorup, knight of the order of Dunnebrog, and privy counsellor of the council of his majesty the king of Denmark; who, having maturely weighed the circumstances of the times, and the dangers which threaten the dominions of his Danish Majesty, and which may trouble the quiet of Lower Saxony, and of the countries abovementioned, have agreed upon the following articles,

I. His Danish Majesty being wholly persuaded, that their Britannick and most Christian Majesties will fulfil the engagements and guaranties given, with respect to the duchy of Sleswick, and that they will use all the efforts

efforts imaginable to maintain the quiet of the Lower Saxony; his Danish Majesty, to concur in the same end, promises to keep on foot a body of troops of 24,000 men, their officers, equipages, and artillery, which shall assemble without any delay, in the place that shall be the most proper; and shall march every where, as it shall be needful, upon the first certain advices which shall be received of the motion of the Muscovite troops, or of any other power whatsoever which shall come to attack Sleswick, and to trouble the quiet and tranquility of the Lower Saxony, and of the provinces belonging to the high contractors in the circle of Westphalia.

II. His Danish Majesty further obliges himself, when the said body of troops of 24,000 men comes to march, to have on foot at the same time another body of 6,000 men, designed to re-inforce the former body, if there be need.

III. And, towards helping, at present, his Danish Majesty to support the expence he will be obliged to make for fulfilling the engagements specified in the precedent articles, his most Christian Majesty promises to cause to be paid to his Danish Majesty an annual subsidy of 350,000 rixdollars, current money of Denmark; which shall be continued for the space of four years, to be reckoned from the day of the ratification of this present treaty, and shall be paid exactly every three months, by way of advance, at Hamburg.

IV. His most Christian Majesty promises further, in order to ease his Danish Majesty of part of the charge he will be at, in case the said 24,000 men should be put in march towards the place of rendezvous, to take 12,000 men into his pay, in such manner that, as the defence of the king of Denmark is their first concern, his most Christian Majesty shall not pay them but on the foot of 9,000, in the same proportion as his Danish Majesty gives to his troops when they are in the field, as well for the pay of each regiment of foot and horse, as for that of the staff-officers of each regiment, of the general field officers, and of the artillery, in proportion to the number of 12,000 men of his troops,

troops, officers, and other persons necessary for his service.

V. The pay in the manner it is just now expressed, shall not begin to be on the account of his most Christian Majesty, but from the day of the first review which shall be made before his majesty's commissary general, when the troops shall be drawn together in a body, as an army in order to take the field; the first month shall be paid by way of advance, and so from month to month, as long as the said troops shall be in the pay of his most Christian Majesty.

VI. And although his most Christian Majesty might with justice pretend, that the subsidy should cease on the day that the pay commences; however, as it may happen that the payment of these troops might begin before the king of Denmark could receive any effectual succour from the said subsidy, his most Christian Majesty is willing to consent, that, if the said pay of the troops should commence before the king of Denmark should have received two years of the subsidy, then he will continue the subsidy as long as is necessary, to the end that the king of Denmark may always have two years of the subsidy, what was passed, and what was to come, being reckoned; and if, after the said two years, the said troops should remain no longer in the pay of his most Christian Majesty, then the subsidy stipulated in the third article shall continue to be paid to his Danish Majesty to the end of the four years, which is the term of the present treaty.

VII. His most Christian Majesty will, when he shall be required to do it, send a commissary upon the place to assist at the review which shall be made of the said troops in order to march; the said commissary shall likewise take the names of the regiments which shall then go into the pay of his most Christian Majesty; he shall examine whether they are duly equipped, mounted and armed; the giving of the vacant commissions, and the administration of justice, shall, as before, be done by his Danish Majesty: the commissary general from his majesty shall assist at all the consultations for the military

litary operations; and, although it is not possible to determine beforehand as to any case of war, which doth not yet exist, it is however agreed in general, that the twelve thousand men of the troops in the pay of his most Christian Majesty, on the foot of nine thousand men, shall be treated in all things with a perfect equality, as the twelve thousand men entirely in the pay of the king of Denmark.

VIII. If it happens that his said most Christian Majesty should not think that he has any more need for the succour of his allies, to continue the payment of the said troops, he shall be obliged to give his Danish Majesty notice thereof two months before.

IX. His Britannick Majesty on his side, shall hold in a readiness to march a body of twelve thousand men, to be joined to the twenty four thousand men of the Danish troops abovementioned, upon the first certain advice which shall be received of the motion of the Muscovite troops, or of those of any other power whatsoever, that shall come to attack Sleswick, and trouble the quiet and tranquillity of the Lower Saxony.

X. His Danish Majesty having given his Britannick Majesty to understand, that, being engaged by this present treaty to march a considerable body of troops into the Lower Saxony, his maritime provinces will lie exposed to the enterprizes of his enemies; his Britannick Majesty being always disposed to provide, according to his engagements, as a good and faithful ally, for the security of the dominions of his Danish Majesty, promises and engages to send to the succour of his Danish Majesty, upon the first advices of the motions of the Muscovite fleet, which shall give just occasion for fear, a sufficient squadron of good ships of war, to help to cover the sea coasts of his Danish Majesty, and to hinder the Muscovites from attacking the same.

XI. And although their Britannick and most Christian Majesties are not obliged to any fixed succour for the king of Denmark; however, as they desire to keep at a distance from the dominions of that prince all invasion, the consequence whereof would be doubtless to kindle the fire of a war in violation of the treaty of Hanover, as

likewise of the treaties of Westphalia ; which would oblige them to come to the support of their guaranties, and to the succour of their allies, who might be attacked, or in danger of being so ; to this end his most Christian Majesty engages to hold always in a readiness a body, at least, of thirty thousand men ; which body shall be destined, whenever his said majesty shall be required, to march to every place where it shall be needful, and as it shall be agreed, or to make diversions, or other operations necessary for the common advantage, and for the security of his allies in the empire or in the North ; and, at the same time, his Britannick Majesty engages to hold likewise in readiness another body of troops, which must not be less than twelve thousand men, to be destined, in the same manner, for marching every where, as it shall be needful, and as it shall be agreed, either to make diversions or other operations necessary for the security of his allies in the empire or in the North, as the case shall require.

XII. As the Muscovites or other troops that may join hem to come and attack the dominions of the king of Denmark, in order to take from him the duchy of Sleswick, may endeavour to pass through the countries subject to the king of Prussia, which the allies persuade themselves that this prince will not fail to refuse ; in case therefore, that the Czarina, or any other power whatsoever, should endeavour to force the passes through the territories of the king of Prussia, or attack him, or occasion any injury or damage to him, by reason of the refusal which his majesty might give to the letting the Muscovites, or other adherents as abovesaid, pass through his countries ; then the contracting kings shall cause their joint army to march to the succour of the king of Prussia, and shall make war upon those who shall have invaded or troubled him, until the attack and danger shall cease, and the injury and damage be repaired.

XIII. The ratifications of the present treaty shall be exchanged at Copenhagen in six weeks, to be reckoned from the day of the signing of this treaty, or sooner, if possible.

In

In witness whereof, we have signed this treaty, and have set the seal of our arms thereunto. Done at Copenhagen, this 16th day of April, in the year 1727.

(L. S.) *Glenorchy.*

Separate and secret articles belonging to the treaty with Denmark, April 16, 1727.

ALTHOUGH his most Christian Majesty might justly pretend, that the troops which he takes into his pay ought to take an oath to him; however, his Danish Majesty having resolved to command in person the confederate army, it is agreed, in consideration of his Danish Majesty, to rely in that matter on his royal word, for acting pursuant to the engagements which he has entered into by the treaty signed this day; but if it should happen, that his Danish Majesty should change his resolution aforesaid, and that the contracting kings should find it requisite to separate the body of troops, for the advantage of the common cause, then the said troops, in the pay of his most Christian Majesty, shall take the oath to him in the usual form.

2. As their Britannick and most Christian Majesties have made extraordinary efforts for the interests of the king of Denmark, his Danish Majesty promises not to dispose of any part of his troops, either directly or indirectly, contrary to the interests of their Britannick and most Christian Majesties; and it is agreed, that, as long as this treaty lasts, his Danish Majesty shall not give or sell any part of his troops to any power whatsoever, till after the same has been concerted with their Britannick and most Christian Majesties, against whose interests he promises to do nothing; engaging himself likewise to oppose, every where, where it shall be needful, every thing that may be done or projected contrary thereto, by any power whatsoever; which their Britannick and most Christian Majesties promise reciprocally.

3. It is agreed, that if his most Christian Majesty should desire to employ the twelve thousand men which he pays on the foot of nine thousand, for affairs which having no respect to the security of the king of Denmark should only concern

concern the good of the service of his most Christian Majesty, or that of the alliance of Hanover, in such case the king of Denmark shall not make any difficulty to give them for the service of his most Christian Majesty; and a convention shall be made, for that purpose, six weeks after the demand shall have been made by his most Christian Majesty.

4. And considering, that if the Muscovites should come by land to penetrate into the North, and trouble the peace of the empire, they could not have any other passage than through the territories of Poland; and, as it cannot be doubted, but that this kingdom remembers still the disorders which the Muscovites committed there a few years ago, it is agreed, by this present article, to communicate to the king, and to the republick of Poland, the concert which has been formed to hinder their entering into the empire, and to invite them to take likewise on their part the most effectual measures to stop the passes which the Muscovites would be desirous of taking in the territories of the republick of Poland. Done at Copenhagen, this 16th day of April, in the year 1727.

(L. S.) *Glenorchy.*

The end of Vol. I.

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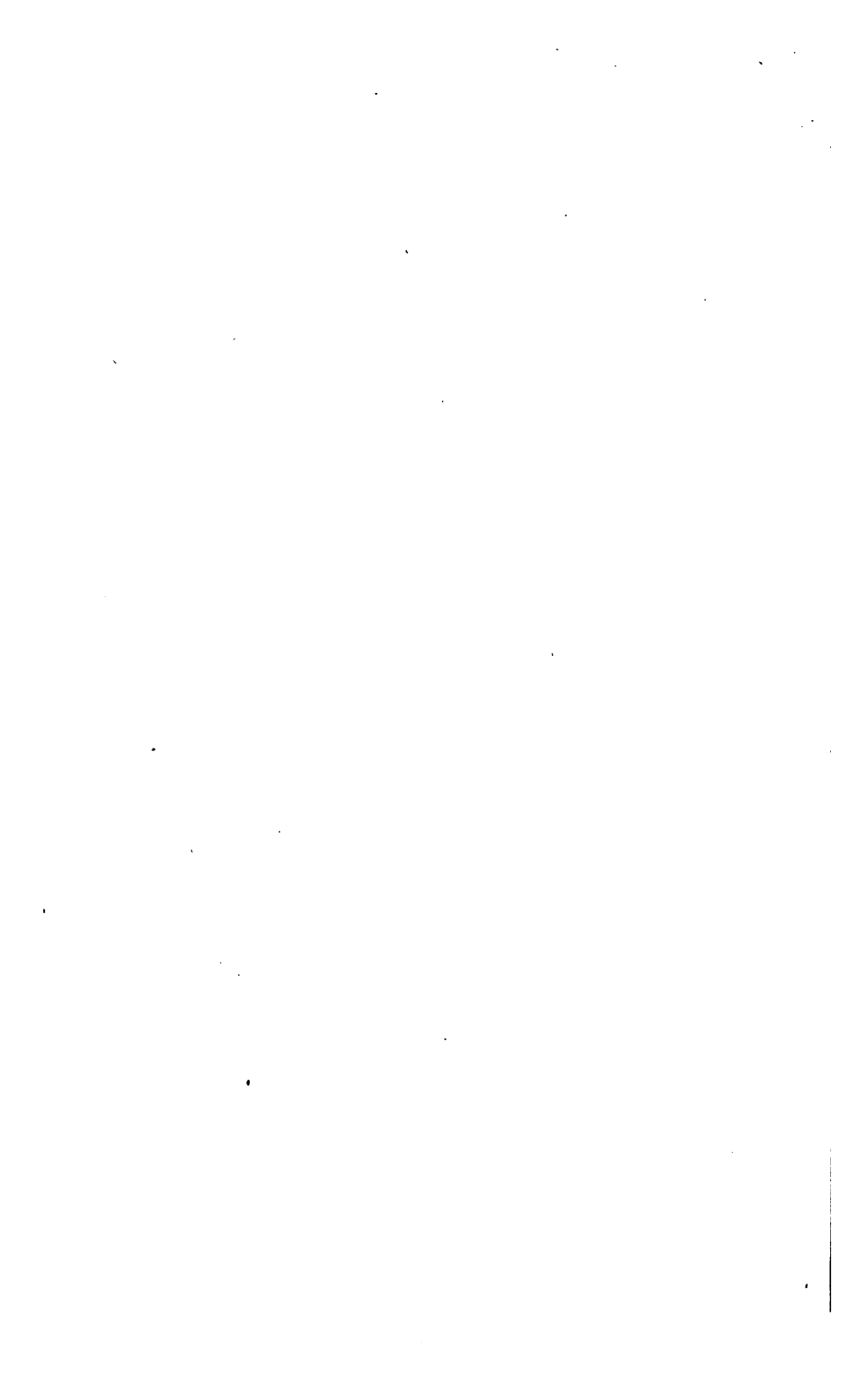
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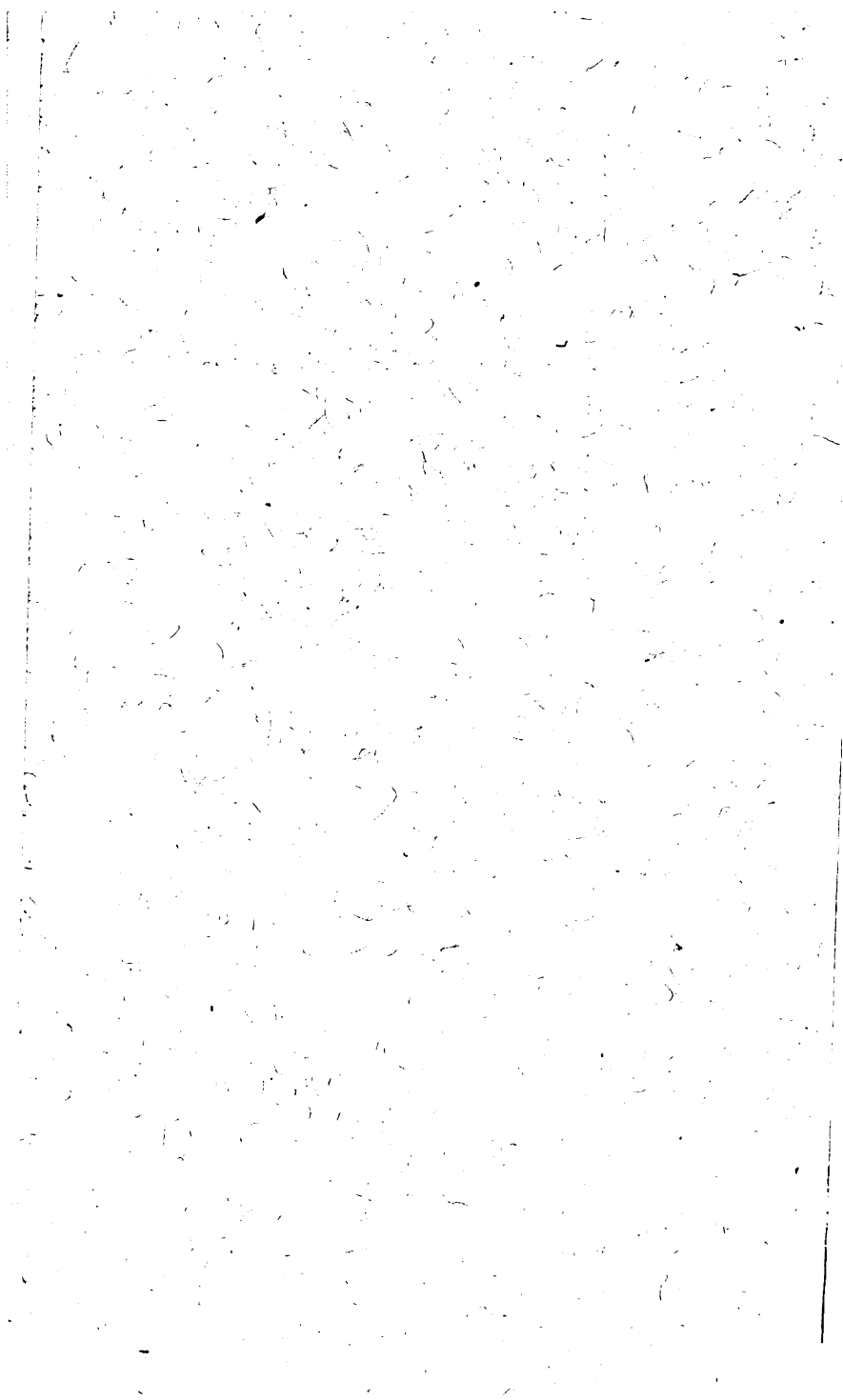
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